

**PRESIDENT :** We have been watching with anxiety and concern the condition of the Pachipara Dam, for I hope the House will give me the credit that I realize that the happiness and prosperity of a large number of ryots in South Travancore depend upon the extent to which the Kodyar Irrigation work is able to function. I suppose that the information that the House had at the time when it raised this question on the adjournment motion was that the level had gone something below 2 feet. Our anxiety was considerably aroused as to what was going to happen even in regard to that particular area which the Government considered they could save by husbanding the resources of the irrigation work by allowing sufficient water only in respect of 23,000 acres as against the 55,000 which perhaps is regarded as the *ayacut* under that work. Well, the House will be glad to hear the latest report we have of Pachipara Dam is that the level of water on the forenoon of the 24th of this month was 4'10 and in the afternoon it was 4'0, and one very pleasing feature of the situation is that the Left Bank Channel which, as Honourable members know, feeds, this irrigation work brought in the forenoon 3'20 ft. of water and in the afternoon it brought 3'15 ft. and the report further goes to add that water is still coming. I simply wanted to mention this to the Honourable members so that they may realise that we have been not only watching this from day to day but have been anxious to discharge the responsibility we undertook by deciding to eliminate certain areas from the *ayacut* of that lake in the interest of the rice growers of South Travancore as a whole. According to calculation it was clear at the time of our decision that not even these 23,000 acres could in any case be saved with the resources then available. But since then even this prospect was not without considerable doubt. However, we have been pursuing the policy we adopted. But the recent report which is very happy indeed encourages us in the belief that the 23,000 acres which we undertook to protect could be saved.

**LEGISLATIVE BUSINESS—THE VAKILS REGULATION  
(AMENDMENT) BILL—(contd.)**

**PRESIDENT :** The next item in the Agenda is legislative business. Mr. Thanu Pillai was speaking when the House adjourned last evening, and I hope he will now resume the discussion.

**MR. A. THANU PILLAI (Trivandrum—Rural) :** Sir, the House is asked to allow pleaders practising before Munsiff's Courts to practise in District Courts and High Courts. It was mainly contended by some members that opportunity should be given to these pleaders, that is, first grade and second grade pleaders, to practise in the highest courts in Travancore and it was also contended by some of the speakers that it would be in the interest of the litigant public to allow these first and second grade pleaders to practise in the higher courts a few years after they have joined the profession. Sir, my position is that both these contentions are unsubstantial. It was stated here that these pleaders know as much law as graduates-in-law, Barristers and so on, and that

they know the local conditions better; and it was also contended that they are allowed to conduct cases in all the higher courts it would be in the interest of the clients. I submit, Sir, that there is very little substance in this contention. Now, as was pointed out yesterday by Mr. P. K. Narayana Pillai, the Government ought to insist on the part of the members of the legal profession a high standard of efficiency, general culture and also a sufficiently high standard of legal training. It is not in this profession alone, but, Sir, it is in all learned professions that we should insist on a sufficiently high standard of general training and I may be pardoned when I say, so far as the legal profession goes, as high a standard of general culture should be insisted upon as possible. We go by these examination standards and so far as we know examination is probably the most acceptable test available. Unless something better can be suggested we must go by this standard and that has been accepted all over the world and we to have accepted it, A person who is allowed to practise in a particular court must have attained a certain standard of culture, Now we must insist on those standards being kept up. Simply because a lawyer has put in a number of years practise in Munsiff's Court, it will be wrong to allow him to practise in District Courts and the High Court. Then in regard to legal equipment, Sir, there is no use ignoring the fact that a pleader cannot without a University course of training in law, be generally expected to understand the intricacies of law, and hence he is not expected to be efficient enough to practise in higher courts. Of course there are exceptional cases as I have already mentioned. There are exceptions to any rule. There may be a Munsiff Court Vakil a particularly intelligent man who without even a University course is able to understand law in all its aspects.

MR. R. RAMAN PILLAI (*Changanacherry cum Peermade II*): Does the member think that all B. Ls are more learned and intelligent than the pleaders?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I am sorry the member did not understand me. I have already admitted that there are exceptional cases. If we take 100 pleaders there may be 7 or 8 efficient and intelligent men among them but among the B. Ls there may be not less than 80 per cent who are efficient.

MR. S. J. NAIR (*Nedunangad*): May I know whether the member is aware that the B. Ls who practise in Munsiff's Courts are utter failures when compared to the wonderful success of pleaders?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I am not aware.

PRESIDENT: Please argue on principle.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I did not suggest that all B. Ls are superior to pleaders. Generally if we take the case of 100 pleaders, and 100 B. Ls. I say that there may be a small number of pleaders who are equal to B. Ls, but a much larger percentage of B. Ls would be superior to pleaders. The question here is whether a person who has practised for a certain number of years in a Munsiff's Court should be made eligible to practise in the District Courts and the High Court.

Sir, the Laws Delays Commissioner in his report says that there are 927 pleaders exclusively attached to the Munsiffs Courts and 81 pleaders attached to the District Courts. The proposal now made by Mr. S. J. Nair is that all those people who have put in 7 years in the Munsiff's Court be allowed to take sannad to practise in the District Courts. Most of the Munsiffs' Court pleaders have put in 7 years in the Munsiffs Court. The result of accepting the principle of the Bill is to make a large number of people eligible to practice in the District Court. I refer to this fact mainly in view of a suggestion put forward by one other member that an examination may be held after seven years and such of those people as are found eligible may be permitted to practise in higher courts. That is not the proposal in this Bill. Even to this suggestion there is the strong objection that the standard of general culture will be wanting in the generality of cases.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): എടുപ്പാ വശം മരിക്കലേക്കുപറിക്കുന്നതിൽ നോററശേഷം ബാരിസ്റ്റർ പരീക്ഷയിൽ ജയിച്ചവരുന്നയാളിനു ജനറൽ കൾച്ചർ ഉണ്ടെന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, the question is whether I am of opinion that a person who has failed eight times in the Matriculation Examination and who subsequently becomes a Barrister can be considered to have enough of general culture. As I said there may be exceptional cases where even a candidate with examination qualifications does not possess the requisite standard of general culture but as a general rule, a person who has undergone the course for the requisite period prescribed for a Barrister, will have acquired enough of general culture.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know whether the Inns of Court are not insisting upon general educational qualification for Barristers?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Yes, Sir. In olden days it was not so. One could have become a Barrister without possessing any high general qualifications.

MR. S. J. NAIR (*Vedunangad*): May I know from the member whether he is aware that to admission to Barrister's Course in Ireland no University qualification is insisted?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Whatever that be we shall insist on that, Sir. We have got enough number of men with sufficient educational qualification and culture. So let us not think of things elsewhere.

PRESIDENT: We are discussing of Travancore.

MR. A. THANU PILLAI (*Trivandrum-Rural*): We are discussing of Travancore and we should not refuse or fail to take advantage of the facilities that we have. Our Government and people have been spending lots of money over education. We have enough and more of educated men. And when we can insist on high general qualifications it is folly to let all manner of people to appear and plead in the High Court and District Courts.

MR. K. R. ELENKATH (*Kalkulam I*): May I know what the member means by general culture? Is it a study of Shakespeare or Milton?

MR. A. THANU PILLAI (*Trivandrum-Rural*): General culture is something well-known to all people and I am sorry that the Honourable member is not able to understand what it means. It means a training of the mind through education which enables people to view things in a proper perspective and to do things in a proper way. Sir, general culture is a very common expression the meaning of which everybody knows.

Sir, in Madras formerly even undergraduates were allowed to undergo the law course and allowed to plead in District Courts and Munsiff's Courts. Now, it is many years since the rule is laid down that a graduate alone can practise even before the Munsiff's Court. In Travancore also formerly undergraduates could have become pleaders in District Courts, but some years ago the High Court changed the rule and laid it down that if a person is to be allowed to practise in a District Court, he should be a graduate. So for the last few years no person has been allowed to be a first grade pleader unless he was a graduate. That is the rule now. The second grade pleaders are mostly school finals or matriculates. In such a condition of things I think it would be absurd to think of going back and lowering the standard.

Regarding the contention that it will be in the interests of the client that the same vakil is allowed to conduct the same case in the Munsiff's Court, the District Court and the High Court, I should say that there are distinct advantages in the same case being handled by different lawyers in different courts. As I mentioned yesterday, examination has been generally accepted as the standard of efficiency. It was argued that L. M. Ps. are allowed to become Assistant Surgeons in our Medical Department though they are started only as Sub-Assistant Surgeons. But they never become Deputy Surgeon or Surgeons. Sir, I take some time in this debate because it was a surprise to me to find that there is some degree of support to this Bill in this House.

Argument was advanced that it is the look out of the client to go to the best available man and so the client does not stand to lose by the adoption of the principle in the Bill.

MR. K. R. ELENKATH (*Kalkulam I*): In that case, may I know whether it would not be proper to give the client a wider scope with regard to the selection of the man?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, certain members have been advocating the enactment of a law imposing certain conditions that would apply to the noble profession of medicine. There also, the patient goes to the best doctor. But, Sir, it is not every man who could be expected to know what is best for him in all circumstances. Generally it may be taken that he knows but then the State should see that it is only people with requisite qualifications that are allowed to practise medicine.

Similarly also people with requisite qualification should alone be allowed to practise law. The ordinary client does not know what the best qualification for a lawyer is. There the State has got a duty to say that men with such and such qualifications are good, they could be entrusted with cases. The State has got a duty to see that a minimum standard of efficiency is kept up. Otherwise many people will be put on the wrong track. They may be misled. And it is a matter of common knowledge that it is not always to the best vakil that the client goes. There will be agents and others to induce the client to approach a particular vakil. This may result in difficulties. It is therefore the duty of the State to set up a high standard of efficiency.

Then with regard to the question of promotion it is urged that first grade pleaders should be allowed to get themselves promoted. The answer to that question is, the promotion he can have is the growing practice within his own sphere. A Munsiff's Court vakil with 20 or 25 years standing is by far in a far better position than he who has 2 or 3 years standing or he who has just commenced practice. A successful lawyer, a hardworking lawyer, has his reward in his own sphere and that is his remuneration that is his promotion and he should be satisfied with that. If a man is not satisfied with that, he must go to the college, get himself qualified; he must graduate and join the Law College and take his B. L. Degree and get his sanad. He cannot be allowed a short-cut. I would impress upon this House that we would be failing, grossly failing, in our own duty if we allow this Bill to be introduced.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Mr. Thanu Pillai, would have withheld his views from this House but for the fact that Mr. S. J. Nair's Bill received some little support on the floor of this House. I would certainly, Sir, not have spoken when there are so many other gentlemen to speak, but for the fact that a position like this taken up by a very prominent member of this House, as Mr. Thanu Pillai, requires a very close and careful scrutiny. Mr. Thanu Pillai is surprised that there has been support. There are surprises in this world, Sir. ((Mr. S. J. Nair, *Hear Hear*.) When the Copernican System was given up and the Ptolemy System was recognised with regard to the arrangement of the Universe, it caused surprise. When Columbus discovered America it did cause surprise. And it was more surprising that the Ruler of Spain on whom Columbus was hanging for help for years telling him that he was going to discover a new world refused to listen and the Ruler of that small country of Portugal took up the idea and profited by it. Compared with all these there is less room for any surprise in this matter.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was it not a pleasant surprise in this case?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I am not concerned with pleasant surprises or unpleasant surprises. It will all depend upon the mental condition of the people who are the object of the surprise. Each man will understand things in his own way.

I am sorry, Sir, that though people are prepared to talk on cosmopolitan methods broad-mindedness and liberalism of outlook in certain matters they should have the narrowness, bigotry and vindictiveness in other matters. Here is a matter in which a large number of educated people have.....

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon I*): Sir, it is clearly, casting aspersions on the motives of members who have participated in the debate. I would request the Chair to give a ruling so that such aspersions shall not be cast on fellow members who are doing their legitimate duty in this House as much as anybody else. It is not parliamentary, it is not right, it is not fair for any member to attribute any base motive to another member. This thing is ruinous to the credit and prestige of the House of which you are the President.

**MR. T. K. VELU PILLAI** (*Trivandrum-Urban*): I did not cast any aspersion and I did not say any member was guilty. All humanity is not confined within this hall. There are people in this world besides members of this House. I will be the last person to cast any aspersion on any member and on no occasion has any such expression escaped my lips.

**PRESIDENT** : I was myself listening to the remarks made by Mr. Velu Pillai and it did not strike me that the Honourable member said anything which could be interpreted in the manner suggested by Mr. Kunjukrishna Pillai. If it meant anything as suggested, I would myself have certainly objected to the statement. Now there is Mr. Velu Pillai's explanation also in addition. I think the House will be satisfied with that.

**MR. T. K. VELU PILLAI** (*Trivandrum-Urban*): Sir, some people may argue the question on the ground of self-interest; others may argue it on the high altitudes of academic self-determination. The kind of education that we have received must enable us to take a detached view of the question *viz.*, to examine the question on its merits, free from impulses and that is what I propose to do, Sir, with your permission. I have been listening carefully to the speeches made on this occasion on this subject. I have also noted down points which I may say may stand me in good stead. The second grade pleaders' capacity, their character, all this has been certified to by no less a public authority than the Laws Delays Commissioner himself about whose good work, experience and judgment, numerous references were made on the floor of the House yesterday. That Commissioner is Mr. G. Sankara Pillai, a revered name no doubt. That Commissioner has observed in so many words that there are men of outstanding character and capacity among the Munsiff Court Vakils. From the exact portions read out I am unable to find where that learned Commissioner is casting aspersions on the capacity and intellectual equipment and legal qualifications of the second grade pleaders, When such is his unmistakable testimony about the good quality of the work done by these gentlemen.....

MR. K. C. ABRAHAM (*Kottayam II*): Has not the Commissioner suggested that they should have a separate qualification entitling them to practise in the High Court?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Knowledge grows from more to more; it is a matter of opinion. I am obliged to speak on this question at some length, provided my friends permit me to do so by not asking too many questions. It requires very little argument to say that for higher education, some greater training is required.

It has been stated here that a pleader has to pass examinations not only in substantive laws but also in adjective laws. For that he has to study the Criminal Procedure Code, the Civil Procedure Code and also subjects such as Medical Jurisprudence which a law-graduate does not study to start with. It may interest you, Sir, that for a long time till some years back, the B. L's and Pleaders' students were receiving the same lectures delivered by Law Professors who were paid by His Highness' Government. If as a matter of fact these people had not that understanding capacity to profit by those lectures, the Travancore Government would never have permitted it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then may I know, why were they separated subsequently?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Government policy changes sometimes with the favourite views of individual administrators.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know, was the teaching done to suit the lower or higher standard?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Lower and higher are not capable of any exact definition. I take it, Sir, had it not been for the fact that pleaders' students were benefited by those lectures and the fact that the higher class, the B. L's got enough advantage from the lectures to pass an examination, Government could not have tolerated that system. In that case I think my friend Mr. Thanu Pillai and others certainly would not have allowed it.

MR. K. C. ABRAHAM (*Kottayam II*): Has instruction come anywhere upon the observation of the Laws Delays Commissioner?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I am not here to defend or condemn the Laws Delays Commissioner's report. I am only selecting a few points from his report to convince the House as to what his testimony is about the second-grade pleaders.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand then that the subsequent separation of the Pleaders' class was uncalled for and unjustified?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): My personal opinion in such matters does not count. But if Mr. Asan is particular of that, I must say that various wrong things might have been done in Travancore.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, what was the rational of that classification?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I do not make a proposal to start this system again. If so, I could have fully answered the previous question. But, Sir, I have only a certain time and I do not want to deprive myself of the opportunity afforded to me to have my say on this important subject. I would appeal to my friends to put their questions at the end of my speech when I shall most readily and willingly answer them.

So then my point is that they have been getting lectures and passing their examinations indeed creditably and more than that it will interest you and every right-thinking man that some of the pleaders' students were getting more marks than B. L's even in the High Court special test examination (A voice—*hear, hear*) It is such pleaders and B. L's that are functioning together for years and it is such pleaders work that has been certified to be good by the Laws Delays Commission. These people after passing out of the Law College have occasion—

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the member advocate the issue of sannads to all second grade pleaders to appear in the High Court?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): In deliberative assemblies of the kind there should not be any haste in these matters. I may be given time to develop my argument, Sir.

PRESIDENT: Members will please allow the speaker to proceed.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): After passing these examinations which I consider to be a proper test and which Mr. Thanu Pillai has accepted as a sound test, what is the meaning of saying that some of those people who secured higher marks are inferior to B. L's in their mental capacity. After passing these tests very creditably, they practise in Munsiff Courts and have a larger number of cases than a High Court or a District Court Vakil. So far as I am aware there is no special Transfer of Property Act or Limitation Regulation for the Munsiff Court Vakil as distinct from those in force in the High Court or District Court. If the pleaders have gained that kind of experience, if that fact has been certified by the Laws Delays Commissioner in a fitting manner, to say that such people have not received sufficient education, because of their not obtaining a University hall-mark, that they had not college schooling and so forth and therefore they ought not to be given the benefit of practising in higher courts but should still continue to be treated as the helots of the legal profession, that argument cannot count.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Why then the Laws Delays Commissioner recommended the suspension of pleaders' classes?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): The member may either ask the Laws Delays Commissioner or Government and not me. I do not represent any of them, and I am not going to give answers which may not be useful to the House.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know, is it the opinion of the member that the practitioners of the Village Panchayat and Bench Magistrate Courts, if they are found to be efficient, be permitted to practise in District Courts and High Courts?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I have not appeared in the Panchayat Courts. If my friend has appeared, let him tell us what qualifications are necessary for then. Then I shall answer him.

MR. K. C. ABRAHAM (*Kottayam II*): Would the member recommend the vakil's clerks who have had experience and understanding capacity in law, appearing in courts as vakils in view of the fact they are handling a good number of cases?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): That is rather curious. If my Daffadar can be asked to preside because he carries a timepiece and important books and papers then I think the suggestion of the member will have a meaning. The functions are different. A vakil's clerk is so to speak in the commissariat department, not in the fighting line.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Were not once upon a time vakils' clerks appearing before courts?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Yes. At a time when people belonging to the category of unpassed men, like Justice Kunjuraman Nair, whose eminence as a Judge compared with that of any man in any part of the world, were writing judgments which are still the object of our admiration. The vakil's clerks who were found fit might have been given sannad, if they passed suitable examinations. At that time there were only few Regulations in vogue and but a few people practising law. But times are different, there are now so many examinations to pass, not that I am against examinations, and many to pass them. I am indeed proud of the fact that I am a graduate. That does not mean that wisdom can enter into the brains of a graduate only. Wisdom is no man's monopoly. In England, there is considerable difference between a solicitor and a Barrister.

MR. A. THANU PILLAI (*Trivandrum—Rural*): In his experience as Law Professor and examiner, may I know, has not the member noticed that graduates are generally better students of law than school final men?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): True, I was an examiner and Law Professor. But I am not prepared to give information on that point. I am giving my views as a member of the House. I have to put myself under some sort of mental discipline.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Because of his experience I want to know whether according to him law graduates are not better students of law generally.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I wish to know whether a member can refuse to give an answer when he is really competent to give an answer.

PRESIDENT: As I have said often, it is entirely open to a member either to answer or refuse to answer. The Chair cannot force a member to answer.

MR. K. PADMANABHAN (*Chirayinkil I*): What does the member think with regard to the general standard in English obtaining in B. L's?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): As for that matter, Sir, the work of an examiner is a confidential thing and therefore I did not want to answer that question. But this later question I cannot refuse to answer. Teaching of English has deteriorated in the Madras University. So far as I can see as much attention is not devoted to the study of English now as in olden days. I certainly concede the bulk of the people who have passed B. A. are superior to those who study in the pleaders' class. But there are exceptions.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolum*): Is it not a fact that some of the Professors give instructions in Malayalam?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I have been there in the Law College for about 12 years and I believe I can express my thoughts in English. I have never heard any lecture being given in Malayalam. In fact that is against rules even.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is the member aware that Mr. M. R. Venkitarama Iyer teaches Hindu Law in Malayalam for pleaders' students?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I have not attended the pleaders' classes during other people's lectures.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, when he attends college, he goes with his ears and eyes shut?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I want that question to be withdrawn by the member because that is insulting to ask a man whether he shuts his ears and eyes.

PRESIDENT: I think the Honourable member was more enthusiastic than prudent in putting that question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I did not put the question in that spirit.

PRESIDENT: May be. But the words carry that sting.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I was certainly not offended. But I wish to take my stand on the privileges of the House.

MR. S. J. NAIR (*Nedumangad*): May I know whether Mr. M. R. Venkitarama Iyer has been delivering lectures in Malayalam due to his inability to deliver lectures in English?

**PRESIDENT :** Please do not obstruct the member's arguments.

**MR. T. K. VELU PILLAI** (*Trivandrum—Urban*): There are some important points which I want to place before the House.

It is well-known that some of the Munsiffs have been authorised by law to hear and decide suits of the value of Rs. 2,000 and above going up to Rs. 5,000. The Munsiff Court Vakils do appear in such cases. The higher jurisdiction does not blunt the edges of their capacity and knowledge of law. That being the case, they can as well appear in District Courts notwithstanding the higher pecuniary jurisdiction.

I really find it difficult to understand another argument which has been advanced against the principle of the Bill. It is said that a Munsiff Court Vakil who is a second grade pleader can conduct a case before a Munsiff but not with a District Judge, because his education is defective. The position of the District Judge is more or less equal to that of a District Magistrate who has sufficiently a large jurisdiction in criminal matters. He is also an appellate authority. But an ordinary criminal vakil whose knowledge is confined to the Penal Code, Criminal Procedure Code and the Evidence Act, even he is allowed to appear before a District Magistrate in appeals. If those who appear in criminal cases before a Second class Magistrate can appear before a District Magistrate to conduct criminal appeals, a Munsiff Court Vakil who pleads before the Munsiff can legitimately appear before the District Judge who hears appeals from decrees passed by the Munsiff. In this connection Mr. P. K. Narayana Pillai raised a point which I very much appreciated. What he stated was, that a person can appear on another's behalf by a power of attorney. There is no limit to the number of powers of attorney which may be held by one person for another. So, a man practically may appear in 10 cases or in 1,500 cases.

**MR. A. THANU PILLAI** (*Trivandrum-Rural*): May I know the proportion of cases by power-of-attorneys?

**MR. T. K. VELU PILLAI** (*Trivandrum-Urban*): I have not collected figures.

**MR. A. THANU PILLAI** (*Trivandrum—Rural*): May I know, is it an appreciable number?

**MR. T. K. VELU PILLAI** (*Trivandrum - Urban*): I did not expect such a question.

My argument is that so long as no restriction is placed on the number of cases in which a person can appear on the strength of powers-of-attorney, a vakil is not less competent and therefore may appear before the District Court with advantage. Take an analogous case. Government allow a man who has no degree or other qualification to practise medicine. But in the case of power-of-attorney, he does all the work which a vakil generally does.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): In that case, why change the law?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am not surprised. I do not say that should be continued for ever. I am only taking a parallel case to show that the public will not be in jeopardy because the second grade pleaders are allowed to appear in appellate courts. If the public are in jeopardy, I am quite sure, the Law Member himself would take steps. I am not surprised at the Law Member's question at all. Therefore I maintain without fear of contradiction that the Travancore Government which hitherto recognised, them will not be able to—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably my friend has not grasped me. My question is if the power-of-attorneys could function as vakils, why change the law.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am stating a fact.

MR. K. C. ABRAHAM (*Kottayam II*): If that be so, should there be any gradation of vakils after all?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): That is a hypothetical question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member any objection in allowing all persons who are entitled to practise to appear by power-of-attorney as is done in England?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): So far as that matter is concerned, I may assert no sensible man will accept that proposition.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know why?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am not prepared to give reasons.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand then that the member's argument on the basis of attorney is not sustainable?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Intelligent people will be able to find the distinction. There are various things which one should understand without any explanation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know what the member means by saying "power-of-attorney"?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Each man must take his chance of understanding. I am not going to function as a Dictionary.

Take the case of medical men. There are L. M. P's, L. M. S. M, B. B. S. and so on. Is it anywhere said that an L. M. P. should not treat that case because he has only a lesser qualification. If medical treatment by a less qualified person was dangerous, the Government would not have allowed that, because human life is certainly sometimes more precious than property. If therefore an L. M. P. can attend that case or cases more serious than that, why should not the same rule be applied in the case of the legal profession, leaving the matter to the choice of the party? If Upper Subordinates in the P. W. D. are very often

[Mr. T. K. Velu Pillai.]

made Assistant Engineers, it is proper that a man who possesses knowledge in law which has been certified by a public examination like the pleadership can rise to the highest level. If knowledge grows, it should be allowed to rise above arbitrary horizontal lines. If it is discovered that a particular class of pleaders are really superior, I think they should be encouraged. I may say Bentham on whose learning much of the structure of law in civilized societies now depends did not practise in courts. Most eminent Judges of the High Court who were not graduates, for instance Justice Kunjuraman Nair and some others, never went about saying that because they were not graduate judges their opinions should be upheld. It is intelligence, it is character, it is legal acumen that is the essence, and the Laws Delays Commissioner certifies that the second grade pleaders are all good in that respect.

About migration, I wish to say a word. Whether in Munsiff Court or District Court, no man wants to lose a chance of getting briefs. Unless therefore one feels that he can do well and is satisfied as to his own capacity, he will not think of seeking his fortunes where there are many persons superior to himself. In fact, that is the rule of wisdom. So that then my friends need not be afraid of any unhealthy competition. What is the meaning of saying to second grade pleaders, "your ambition has no scope, you must remain where you are. Measures will be brought to alleviate the sufferings of the depressed communities, those who are depressed in education, in health etc., will all be encouraged. But you are a class who should remain in an unchanging inferior position". Such an argument is really unfortunate. That is a most bewildering and disheartening situation. If there is no hope, no enthusiasm, these people will not be able to practise at all times even in Munsiffs Courts, for their self-reliance and intellectual vigour will slowly ebb away. And the subjects of His Highness the Maha Raja will stand to loss. For, as the poet says:—

"Where no hope is, life is a warning,  
That only tends to make is glee,  
That only tends to make us grieve,  
With oft and tedious taking leave".

I do not suggest by this that the principle of examination qualifications should be dispensed with. One can find now in public life as editors and orators and men who wield the destinies of the world like Mr. Lloyd George. They have been getting from the lowest step higher and higher. They have been able to establish a world-wide reputation in spite of the fact that they are not graduates of any University. Though I am proud of the fact that I am a graduate I do not cry down others. If in political and social matters they can establish their name, certainly second grade pleaders who have been doing the work for a considerable number of years ought to be able to do well before District Courts or for that matter in the highest appellate court of the land. Therefore, Sir, pleadership people who have been doing the work in an exemplary manner, whose work has been appreciated even

by the Laws Delays Commissioner in such glowing terms ought not to be discouraged or prevented from appearing before appellate courts simply because they had not the wealth or opportunity to go to a college and get a degree.

Even technically the present Law College was at first called a law school. The pleaders' students were undergoing tuition along with B. L.'s. They sat with people of high distinction and sometimes fared better than the latter in examinations.

Even in regard to a University what I say is, it is an association of teacher with teacher, student with student and teacher with student. It is not a University degree that is important. It is intelligence and association which count. When these people have a training under eminent Professors there are all the safeguards.

I was very glad to hear yesterday Mr. Kayalam saying, with regard to another Bill, although a case has not been made out to examine a point, it was sent to the Select Committee. I am able to say many people have taken that view.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I rise to a point of order. Is the Honourable member in order in quoting what one member said in connection with another subject?

PRESIDENT: In order to develop his argument, a member will try to get whatever authority he could and naturally the member thought that the Law Member who is an authority in this House could usefully be utilised in support of his argument.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, this is not the first time I am taking this view on this question. Some 12 years ago I presided over the second grade pleaders' conference which urged the necessity of improving their lot. I know many others who held the same views. The late Rao Bahadur Krishna Iyengar whose experience of the country was not inferior to that of any one else now living (*Hear, hear*) who was an ornament of the profession, who was respected throughout the State and outside, was of the view that the principle underlying Mr. S. J. Nair's Bill is good. The same, I am told now, is the view held by Mr. E. Subramonia Iyer, who is a distinguished lawyer. I do not want to say that because they have said so, everybody should accept it. Each man, when he gives an opinion educates the world, and the world makes a comment. But I may support the position which others have taken. I would appeal to the members to consider this aspect not from any high academic self importance but as a common matter and as an affair for which a sympathetic consideration of the question would be useful to the subjects of His Highness and also useful to a considerable section of law-abiding, able and influential lawyers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know, what is the number of such second grade pleaders?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): About a thousand. All these one thousand are not the one thousand picked up at random.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the public interest suffer owing to want of this legislation?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Certainly. That is my view.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's view that the present number of vakils in District Courts are inadequate to meet the public demand?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): That was not my idea. I only stated that these people may also be allowed under certain conditions.

MR. K. C. ABRAHAM (*Kottayam II*): Is it the member's view that public interest will be advanced by allowing the second grade pleaders to practise in District Courts?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Certainly. What I say is, these people also may be allowed under certain conditions.

PRESIDENT: Before I adjourn the House I think I had better dispose of the point raised by Mr. Asan in regard to the carrying forward through the proceedings of the day all those questions which have appeared in the agenda but have not been answered before the expiry of the time. Mr. Asan brought to notice the fact that it will be more convenient if the questions and answers which were not delivered at the floor of the House today are not regarded as being adjourned to the next day of the meeting whenever it might happen. I have an impression that this same question had arisen at an earlier session of this House, namely, on the 28th May 1934. On looking through those proceedings I find that I had expressed on that occasion exactly the same view which I do today. What I said was:

"The time allotted for questions has expired. I want to put it for the consideration of the House whether it will not be desirable for the members, even in respect of questions which have been starred and for which they were to get oral answers, to treat the remaining starred questions as unstarred, so that such questions and their answers may also be incorporated in the proceedings. That will help them to get answers to such of their questions as could not be answered orally on the floor of the House on account of the clock striking twelve. If they come into the proceedings, members can go through them and if necessary frame fresh questions for the next session with respect to the same subjects. If the House is agreeable to the suggestion, that can be so arranged."

There has arisen an important difference between the procedure adopted then and that now in vogue. The procedure adopted then was that answers to starred questions were delivered orally on the floor of the House without the member knowing what the answer is to be. But the system now in vogue is not merely the questions but also their answers are placed on the table. The House therefore is now in a better position than before. When that procedure was put to the House I find Mr. P. K. Narayana Pillai was good enough

to say that that suggestion was an acceptable one and then the record is "accepted *ne n con.*" So I think, on the whole, I adhere to the view that I then expressed, which the House accepted, and there is no reason whatsoever to change that procedure.

The House rose for lunch at 1.5 p. m., and re-assembled at 2 p. m., the Deputy President presiding.

**MR. K. C. ABRAHAM (Kottayam II):** I wish to oppose the principle of the Bill as set forth in its present form. It is a matter far, well known that Travancore is reputed to be a very enlightened country not only in Travancore but even outside. We have been practising the law for some years now so that all people can understand as to where our moorings are in this matter. In a measure of this kind it is not possible unless we keep clear of external influences and concentrate our attention upon the principle embodied in it to bring in anything like an accurate or correct verdict upon it. Now as it stands we see that it is meant as a sort of encouragement to that class of practitioners in the mofussil known by the name of pleaders, and it is only right that we should extend our help and support to those that are working in their legitimate fields. Sir, I think it is a sort of discovery at this time of the day that it is expedient for the administration of justice of this land that the Second Grade Pleaders practising in the Munsiffs Courts should be permitted after a term of service to be enabled to practise in the District Courts and from there as vakils possibly in the High Court. Upon the principle of it I do not think it is necessary to take up much of the time of this House. As I said, we had sufficient experience of the law and we have taken the experience of those outside Travancore and those practising in other courts to take the cue of what is necessary for us. Legislation in this State has been undergoing some change in this direction, not possibly in the direction now indicated in the Bill, but just to the contrary. On a suggestive question put by the Law Member to an Honourable member speaking in this House, I understand that originally even vakils' clerks were allowed to enrol themselves for the purpose of advocating the cause of clients. Subsequently a sort of examination or selection was ordained for the purpose of settling the qualification of such people and then the University examination came and it was possible for us to train better and sounder lawyers for the purpose of advocating the cause of the clients in law courts. Sir, this measure, as it stands, would be something like retrograde and shall not be conducive to the better or sounder administration of justice. Though the principle of supply and demand and the principle of free choice of the vakils by the clients may obtain, yet I would like there be something recognised as a paramount responsibility of the State and an absolute necessity for the better and sounder administration of justice. They must in all cases outweigh consideration, other than absolute requirements of the State and the Judiciary is bound to contribute the best means to attain them both for the vakils and for the ordinary clients. Speaking upon the merits of the aspect of this question that I have been dealing with, I understand that it is

[Mr. K. C. Abraham.]

the prime necessity to advance public justice in the State and not to retard it. As a matter of fact, there is nothing to be said about the pleaders' capacity and all credit is due to them in so far as the discharge of their duties is concerned. Whether they are efficient for the higher walks of the profession or abreast of all the niceties of law, whether they can be entrusted with the greater administration of justice in the superior courts is a matter which concerns not only the client but also the State which is the ultimate repository of all justice. I shall refer to a casual remark in the High Court of the State when a precedent was challenged and when the point was permitted to be argued. It was remarked that in the previous case the point was not enlarged by the counsel. It depends more upon the practitioners, that faculty which holds high the administration of law, than even upon the Judiciary to help the moulding of justice in this land. There is no use complaining about the reports and there is no use of facilitating the infiltration of what I may call the unconscious considerations of what are supposed to be principles of equity into law. Equity follows the law, and the law should be learned. Of course, I dare say that if those principles do not follow the law, they would be similar to the principles that exist in the administration of Village Panchayat justice. If that is the kind of law to be the desideratum of the superior courts also then this Bill must perforce have its preference. To open a consideration upon the requirements of the legal practitioners, as I understand it, I believe there is sufficient justice to maintain the form of those who try to practise and are now practising after graduating in Universities and after taking the highest course that are available in law. I cannot understand why their places should be sought to be supplanted by inferior metal from the subordinate courts. I do not deny that some of them are brilliant and can be equal to any brilliant man of any court in the matters to which they are called. But, we, those practising in the High Court, know how difficult it is a matter when a man of inferior qualification has laid some wrong foundation for a case and that foundation has been carried up to the appeal court and all doors are thereafter shut never to be reopened. How difficult it is for those practising in the High Court, when, as often happens, points are lost by the misconduct of the case in the subordinate courts, we all know. Sir, all those can be said and possibly more against this Bill. I suppose however, that as certain sentiments of generosity have induced Honourable members on this side of the House to take a lenient view of these aspirants, it is only right to make certain suggestions as to how their position can be bettered. Not that this Bill, if introduced, is going to make any change in the practical working of the law or any advantage upon those people who are going to be called as vakiis of the District Courts. As it now obtains, I can say, having practised in the District Court long, that there are several qualified persons who are enrolled in the District Courts: but as a matter of fact, how many of them are engaged? I believe it

is the case with the 81 persons mentioned in the Law's Delays Committee's report. They are not sufficiently encouraged by the clients. It may be that some of the clients will not be prepared to entrust their cases to those people and suffer the consequences. But whether they could be, as a matter of judicial policy, permitted to do so and justice of the public could be allowed to be handled by those persons who are practically ignorant of the principles is worth anxious consideration.

I would therefore, though opposing the principles of the Bill, suggest that if certain modifications are made in the Bill there may not be any very serious objection for it going to the committee stage. In the first place I submit that it is absolutely necessary that the provision for those persons who are now practising as Second Grade Pleaders and those who are to be promoted, the provision suggested in their favour, to be called to the High Court after seven or more years of practice, should be entirely eliminated. That is one absolute essential condition that we have to put against this Bill if at all this Bill is going to be considered. A period of seven years practice has been prescribed as the minimum period during which a Second Grade Pleader may be allowed to practise and then qualify himself for promotion. I consider that, with the limited experience and knowledge of the Second Grade Pleader this is too short a period. I would have no objection to fix it at 12 years. But if it is put down as 10 years, I think it would be a moderate measure.

Thirdly there is another objection which I would like, if the mover is prepared to take it, that it is not enough to practise for 10 or 12 years in the subordinate courts but, having practised, they must show that they are qualified as a matter of fact to be entered in the list of superior pleaders practising in higher courts and therefore I would suggest, if possible, there should be a further examination qualification than the one that they have passed through and it might be imposed upon them in order to enable them to qualify for promotion. If those three conditions can be unconditionally accepted by the mover and if he is amenable to these modifications as the Bill goes to the committee stage, my submission is that there is not going to be any disastrous effect upon the administration of justice or upon the practising vakils or upon the litigant public. With these remarks and opposing the principle of the Bill as it now stands, I yield to the consideration of the House.

MR. R. SAMBASIVA AIYAR (*Kunnamad 11*): After a careful study of the principle of the Bill my own opinion is that the Bill seeks to introduce a vicious principle. It takes away from the High Court, the highest tribunal in the State, the power to decide as to who should be allowed to enlist themselves as pleaders in that court and in courts subordinate to it. Sections 4 and 5 of the Vakils Regulation which embody the present law are to the following effect.

Section 4 says :—

[Mr. R. Sambasiva Aiyar.]

"The High Court may, from time to time, make Rules with Our sanction, consistent with this Regulation, as to the following matters, (namely):—

- (a) the qualifications, admission and certificate of proper persons to be vakils of the High Court and subordinate courts;
- (b) the fees to be paid for the examination of such persons; and
- (c) the dining, suspension, transfer, degradation and dismissal of vakils."

Section 5 says:—

"Subject to the Rules under Section 4, the High Court is empowered to admit Vakils to the High Court and the subordinate courts."

Thus, the jurisdiction is vested entirely with the High Court. What the present Bill wants to do is this; it says that the High Court shall have nothing to do in this matter; the Legislature will determine as to who should be enrolled as vakils in the High Court and in the subordinate courts. Therefore the principle embodied in the present Bill is that sections 4 and 5 as now constituted be entirely eliminated and a new principle, the principle that the Legislature should determine as to who should be entitled to practise in a court of law introduced. That is the principle embodied in the present Bill. Can we accept that? That is the question. The High Court, as I have already submitted, is the highest judicial tribunal in the State. It is not even like the Madras High Court or the Calcutta High Court. It is something like the Privy Council which has got appellate jurisdiction even over the High Courts in British India.

The High Court is the tribunal that lays down the law, both civil and criminal, for the whole realm of Travancore and there is no appeal from its decision. That body may be safely entrusted with the discretion to frame the necessary rules relating to the recruitment to the cadre of vakils. The Legislature, now, seeks to take away this power from the High Court; but in this particular sphere, the sphere of law, I think, we should take it, that the High Court knows things better, can act better and determine as to who should be the proper persons that can plead there and who are those that can plead in the subordinate courts. Let us see what the rule is outside Travancore. I believe, in British India, it is not laid down as to who should practise in a particular court. There, the High Court constitutes the Bar Council. The Bar Council will frame the necessary rules. The High Court approves of all these rules and it is according to these rules that qualifications for the vakils who practise in the various courts are determined. Therefore, I propose to confine myself entirely to this aspect of the question alone. I consider this as a preliminary objection which should be allowed. This preliminary objection has, in my opinion, not been sufficiently answered by the mover. The mover of the Bill begins by saying that there is no legislative enactment as to who should be vakils, and that the position should be determined by the Legislature. And now that is the one thing that I object to. The Legislature should not say as to who should be enabled to practise in a particular court. These are matters that should be left entirely to the High Court. Then as regards the other questions raised, they are

not relevant to this issue. There may be particularly clever second grade pleaders. Amongst them there are persons who are qualified to practise in the High Court itself, not merely in the District Court as the mover of the Bill thinks. Well, I have nothing to say against the efficiency of those persons. There is already a machinery. There is the High Court which makes rules regarding recruitment of persons who are qualified to practise in the High Court. They have framed certain rules. These are embodied in the Civil Court's Guide. These rules are defective in some respects that is what the mover of the Bill says. The proper thing is, for the mover of the Bill and persons who think like him, to approach the High Court, so that the High Court may pass different rules, rules to enable deserving persons, if they are already prevented from doing so, to practise in the higher courts. Instead of that, a new Bill has been brought. I object to the principle; and by this one preliminary objection, Sir, I submit that the principle of the Bill should not be accepted and that it should be rejected.

**DEPUTY PRESIDENT :** Is it your contention that this House is not competent to consider the Bill; do you say like that?

**MR. R. SAMBASIVA AIYAR** (*Kunnatnad II*): I am not saying, Sir, that this House is not competent. What I say is that it would be unwise to interfere. No doubt this House possess certain powers of enacting laws, but it would be most unsafe, most foolish for it to interfere in such matters. Because this is a matter about which the High Court has practical knowledge, about which the High Court has, as I submitted, special knowledge. Let us not interfere with the discretion that has been entrusted widely with the High Court by the framers of the Vakils' Regulation. If the rules framed under sections 4 and 5 work hardly on certain persons, then the High Court may be approached and the rules suitably amended. Therefore this law should not be enacted by us.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I oppose this Bill. This Bill seeks to lay down the qualifications required for the admission of persons as vakils in the various courts viz., the High Court, the District Courts and the Munsiff's Court, and the principles involved in this Bill may be stated to be two-fold. These two principles may be explained best with reference to the existing law. As has been pointed out just now by Mr. R. Sambasiva Aiyar, the existing law is that the qualifications necessary for the admission of any person as a vakil in any of these courts have to be prescribed by the High Court. That may be seen from sections 4 and 5 of the Vakils' Regulation. I shall not take up time by reading them. According to these provisions, it is left to the judgment of the High Court to determine from time to time what the qualifications should be for the admission of any person as vakil in any of these courts, whether it be the High Court, the District Court or the Munsiff's Court. It is entirely left to their judgment and discretion to determine what the qualifications should be, and they have prescribed those qualifications from time to time. What the present Bill proposes is to eliminate altogether that judgment and discretion of the High Court.

MR. S. J. NAIR (*Nedumangad*): May know from the member whether the judgment is written only after hearing the other side also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): And it is proposed to lay down by the legislative enactment itself, what the qualifications shall be and the qualifications as laid down will of course remain, I am bound to say, until perchance at some future time the legislation is amended. Thus then the first principle of the Bill is to eliminate altogether the judgment and discretion of the High Court in regard to the determination of the qualifications for vakils.

MR. K. R. ELENKATH (*Kalkulam I*): Is it his view that the power of fixing qualifications should be laid in the hands of departmental heads?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to answer that at present. Sir, as I stated, the law as it stands at present is sought by the Bill to be varied and the judgment and discretion of the High Court is sought to be eliminated altogether. Further there is no proposal in the Bill to create any expert body, even though it may not be the High Court, for prescribing the qualifications necessary for vakils. What is proposed is that the Legislature itself should lay down the qualifications and that these qualifications should remain for ever or until perchance at some future time the law is amended.

Next as regards the second principle of the Bill too, I shall state at first what the present law is. The existing law as regards the qualifications necessary for admitting a person as vakil in the various grades of courts is this. The law-graduates are eligible to be enrolled as vakils of the High Court, the law-graduates and the first grade pleaders are eligible to be enrolled as vakils of the District Courts and the second grade pleaders are entitled to be enrolled as vakils in the Munsiffs' Courts. Such, in essence, is the existing law. Now, what is proposed by this Bill is that the first grade pleaders of five years standing shall be enrolled as vakils of the High Court, and that second grade pleaders of seven years' standing shall be enrolled as vakils of the District Courts. This is the second principle involved in this Bill. I would say that this principle is literally a retrograde principle. For, about thirty years ago there was a rule which permitted first grade pleaders to be enrolled as vakils of the High Court. There was also a rule which likewise permitted second grade pleaders to be enrolled as vakils of the District Court, some thirty years ago. Those rules were altered into the rules as they are at present. The second principle of the Bill then is that we should go back to a position of thirty years ago. Sir, I object to both the principles of this Bill. The supporters of this Bill sought to support the two principles, so far as I am able to understand it from the speeches made in support of this Bill, on the sole ground, in any event on the main ground, that they conduce to the advancement of a class of deserving gentlemen, namely the second grade

pleaders. Sir, every man is ambitious and I shall not object to anybody being ambitious. The ambitious class in the present instance, numbers, we were told, about a thousand or 1,200 individuals. It is for the benefit of those that the Bill is promoted. I think that it proceeds on a misconception of the purpose of the rules for the admission of vakils. These rules are never laid down for the purpose of securing employment to a few people or to a class of people and to exclude the others. That is not the purpose at all. And if I object to the Bill, I do so not on the ground that the Bill widens the field of employment and opens the door to admit more men into coveted fields of employment. It is not for securing a monopoly to a few individuals that the rules exist. I will not object to the Bill merely on the ground that the field of the law-graduates will be overcrowded with the second grade pleaders. If I object, I do so only on the ground of public interest, and I would appeal to the House that they should consider that and that alone when they proceed to divide on this Bill. Sir, let me repeat that the only question to be considered is whether this measure will advance the public interest or not and not whether it will advance or give promotion to or give scope for further employment to a certain class of gentlemen. Now, Sir, I maintain that on the ground of public interest neither of these principles in the Bill can be accepted. Before I proceed to make it out let me draw attention to a small but important point. It is clear from the Bill itself that Mr. S. J. Nair does not want to give to the law-graduates on the one hand and to first grade and the second grade pleaders on the other the same kind of privilege. So it may be taken to be a common ground that a distinction does exist between the two classes, the graduates and the pleaders and also between the first and second class pleaders. I want the House then to remember that the Bill and the supporters of the Bill agree in effect that the pleaders are second class material and the B. L.'s first class material, for, they do not want to place the law-graduates and pleaders on the same footing, and pleaders are not given in this Bill the same privileges as the law-graduates and the former occupy a lower plane. It seems therefore to be implicit in the Bill itself that the law-graduates are first class material and the pleaders second class material. It will be conceded also that everybody will give preference to the first class material and will seek second class material only when the first class is not available.

Now then the question is whether the two principles involved in the Bill are in the public interests. I would say that in the public interests neither of these principles can be accepted. This can be readily seen if we think for a while why there should be a class of lawyers, a limited class, and why the law should insist on certain qualifications for a vakil. Let us first of all see therefore what the functions of a lawyer, a vakil, are, and that will give us a solution to the question why the law lays down that so and so alone shall be eligible to be vakils.

[Mr. Kayalam Paramesvaran Pillai.]

The function of a lawyer is two-fold. One is to assist the litigant. The second is to assist the court. Litigation has become a complex matter. Civilization and human ingenuity have made the dispute between people increasingly complex. The person who has to resort to the court has therefore to rely on some expert to assist him; the lawyer is this expert and to assist the litigant is the first function of the lawyer. Having regard to this fact, we want in the person to whom the litigant may turn for help some definite qualifications. He must first of all have ability or efficiency, a sound legal training, an analytical capacity to sift real substantial things from the useless things and over and above that, he must have character and I would emphasise it because litigation having become a very complex affair, the litigant entrusts and has to entrust the whole thing to his lawyer. Litigants themselves will not be able to understand whether the lawyer has done the work properly or not, the litigant trusts implicitly the lawyer and the conscientiousness of the lawyer would be the only incentive to do his best for his client.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the University qualification goes with character or with any other qualification?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am trying to say that the lawyer must have efficiency and character. The lawyer in whom the litigant puts his trust must be a conscientious man. He must of course be honest too or else he may sell his clients cause to the opposite party.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the University qualification goes with character or with any other qualification?

DEPUTY PRESIDENT: I think Mr. Elenkath's question is relevant. It is for you to decide whether it should be answered or not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, just now I am trying to lay down what the lawyer, whoever he be, must possess, in efficiency and character.

DEPUTY PRESIDENT: I gave a direction that you may decide whether the question may be answered or not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I will answer it later.

DEPUTY PRESIDENT: If at all the Law Member gives an answer I propose he should give it now and not later. Mr. Elenkath, please put your question.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether character is the monopoly of the degree-holders?

DEPUTY PRESIDENT: Now you put it in a different form. I deprecate that.

MR. K. R. ELENKATH (*Kalkulam I*): I would like to know whether character goes with University qualification?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The answer is, yes and no.

Sir, I was telling the House that in regard to one function of the lawyer, namely, rendering assistance to the litigant he must have efficiency and character of a particular type. This efficiency and character are the more required as regards his other function, namely assisting the court. The judge sits there as the representative of the king. He has to decide the truth of the cases *i. e.*, to say who is wrong and who is right and it is with the help of these lawyers that the judge decides the cases. Various and numerous cases come before the court and even in one single day, it is not one case but some 15 or 20 cases that are before him for investigation. If the judge has to do all things himself and study everything himself and judge matters, look at the time he wants. Under that consideration he may not dispose of even one case a day. But when there are lawyers on both sides, they study the cases and put the essential things before the judge and he finds it easy to come to a conclusion. But the duty of judging is on the judge and he administers the king's justice. If the judge be at fault or if the lawyer be at fault, if justice suffers, it is the king's justice that suffers. So the lawyer must be of special efficiency and character. He must be a man of exceptional ability and exceptional character. So then having regard to the dual function of the lawyer we want the best material to be enrolled as lawyers so that they may carry out their work efficiently and satisfactorily. In England there is only one class of lawyers namely Barristers and there is no second class. That is because the Bar has been in existence for a long period and they have got the best material and admit the best alone. But in India, the institution of Bar is I believe of recent origin and formerly there was perhaps no restriction as to the persons who may appear and plead on behalf of another. The Universities produce law graduates who as said above is first class material. But at the outset they did not produce the law graduates in sufficient number and so, non-graduate pleaders, also were admitted as vakils.

Now in Travancore, the institution of vakils began only in 1040 and at that time we had not the best material of law graduates at any rate in sufficient numbers. Naturally therefore what happened was that second class materials had to be admitted not because they were considered the best but because the best materials were not available in sufficient numbers. That there should be sufficient number of lawyers must be admitted, otherwise it will work injury upon the litigant public and the court. Therefore second class material had to be admitted. But as days advanced first class material was increasing in large numbers so that it became possible to eliminate second class material day by day. As a result of this, the first grade pleaders who originally were eligible to be enrolled as High Court Vakils were excluded from the High Court and second grade pleaders from the District Court, and first class materials viz., the B. Ls. who were coming in large numbers were alone admitted to the High Court.

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Now therefore there is no sufficient justification for admitting second class materials when first class material is available in large numbers.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether if the number is not sufficient in the first class, second class materials can be admitted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case the second class material has to be admitted because there is no other go.

I said that the first principle underlying the Bill is to take away from the High Court altogether the power of prescribing the requisite qualification for the admission of vakils to the various courts. It will be conceded that the High Court is the body entirely and solely responsible for the administration of justice in the country. We are not concerned with the personnel but with the institution. Every Honourable member will admit that it is in that institution that the life, liberty and political rights of the people depend. If the High Court is the body charged entirely and solely with the administration of justice in the country, it is that body that should lay down who would be fit to be admitted as a lawyer and who would not be; in other words, it is that body that should prescribe the qualifications for lawyers, unless we can find another body with equal responsibility and expert knowledge for the same purpose. In England for example, the qualification is prescribed by the Benchers composed of the judges of the High Court and leaders of the Bar. But here the High Court is the only body available. As they are charged with the administration of justice they know what materials they want, and they know how much they want and what they want. Even assuming for a moment that it is possible to maintain that second grade pleaders can be admitted to superior courts the body that should decide it is the High Court. I may say in this connection that in almost all the countries, excepting in England, this function of prescribing from time to time the qualification for lawyers is done by the highest tribunal of justice in the land. That is the case in most places. And that seems the most natural and appropriate thing. Then why should we here alone take away that function from the highest tribunal of justice and lay down, in effect that the High Court shall not have a voice to say who is qualified to be a lawyer.

I did not hear anybody excepting perhaps Mr. S. J. Nair offer any word of explanation in support of this position, that the High Court should be denied this function of admitting lawyers. From the reply to various representations made to the High Court and from the answer to interpellations given on the floor of this House it must be plain to everybody that the High Court having considered the matter have come to the conclusion that there is no necessity to revise the qualifications of vakils as they stand at present. It is almost as a reply,

a challenge to the High Court that this Bill comes and purports to tell the High Court, as it were, that if you behave like that, we will take your powers altogether.

It will be seen that the wording of the Bill is that such and such persons shall be admitted as vakils. The wording that the member uses in section 4 of the Bill is "The High Court *shall* admit....."....."It simply commands the High Court. They are totally denied any discretion in the matter. It is not even a question for their consideration. They *shall* do it. That is the position in the Bill. Will the House accept this position, in which a command is being conveyed to the High Court, the body who is responsible for the administration of justice? Sir, I strongly object to this kind of attitude that is taken up in the Bill and I think that that is a very fundamental defect in this Bill.

Then in regard to the other principle, namely, the admission of the second class materials into the field where first class material alone is admitted at present, let me say at once that I do not mean any reflection on the second grade pleaders or on the very many eminent men who come within the body of second grade pleaders. But Mr. S. J. Nair has himself admitted that a B. L. is superior to one who has but passed the pleadership examination.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member where he says that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He says in the Bill that a law graduate may be admitted as a High Court Vakil after one year of practice in the District Court whereas in the case of a first grade pleader the provision is that he be admitted only after 5 years or so. That is a clear admission of the superiority of the former.

MR. K. R. ELENKATH (*Kalkulam II*): May I know from the Government whether a law graduate has not to qualify himself in some of the subjects prescribed for the second grade pleadership examination before he can enrol himself as vakil of the High Court after one year's practice in a District Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At present it is so. But at a time when there was paucity of law graduates, it was not so. When law graduates began to come in large numbers, the High Court wanted to make the material better and better as much as possible and they prescribed a further qualification.

MR. A. EASWARA PILLAI (*Kalkulam II*): In that case are not M. A. M. Ls. better than B. A. B. Ls. and could not there be a rule that the former alone would be enrolled in the High Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They may be better; if so the High Court may change the existing rule, provided you get the M. A. M. Ls. in sufficient number. That is an essential condition.

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What I am saying was that Mr. S. J. Nair's Bill accepts clearly the position that the pleaders are second class material, and he wants us to accept the principle that the second class material should be admitted into a field to which they have no admission now and from which they were driven out, if I may be permitted to use that expression, a quarter of a century ago.

As I stated a few minutes ago, there was a time when the first grade pleaders were admitted as High Court vakils and second grade pleaders as District Court vakils. But in the year 1070 or so a rule was made that only graduates-in-law should be eligible to be enrolled as High Court vakils. The High Court did this not because they wanted to give a greater room within the field for the B. Ls. That was not so at all. It was done in the public interest and the public interest alone. The object was not to give better scope of employment to the graduates-in-law or on the other hand to deny employment to those pleaders who were excluded. Public interest requires that the best material, if available in sufficient numbers, should alone be employed as lawyers. I am putting emphasis on this point because it was stated that the existing rule is one that denies promotion to and limits the scope of employment of the first and second grade pleaders. Having regard to that I must repeat that these people were taken out of the field not with the intention of finding more employment to the B. Ls. but in the interests of the public. Public interests required the best material. So the new rule was enacted. In other words, when we got the best material in sufficient numbers the second class materials were excluded.

Now, I shall answer the question of Mr. Elenkath as to whether character and culture is the sole monopoly of graduates. I do not say that it is the sole monopoly. I shall not say that it will not be found in any member of the second class. But we can go by only certain general rules. We cannot afford to try each individual by an examination or by some other particular method. We must adopt some general rules and those general rules lay down that a graduate in law is the better material. At once you should not turn round and ask, is there not character, good material among the second grade pleaders. Such a question cannot be answered except by saying yes and no. If this rule was laid down to provide employment for a few individuals, namely the B. Ls, then certainly we would be doing injustice to others, the pleaders. But we are laying down the general rules in the public interest alone and the general rule is that a law graduate is better material than a second grade pleader, as is implicit in the Bill itself. In laying down general rules in the public interest it may be that they work hard on some individuals. But we cannot help it as we can never allow public interest to suffer.

The House must remember that giving employment to some individuals or to a class of individuals or not giving employment to

them is not the question. What the House has to consider is the public interest and public interest alone namely the effect of it on the administration of justice. Second class material may be admitted when the first class material is not available in sufficient numbers. If the argument had been that there is not sufficient first class material and therefore let us admit the second class material, I could understand that. It is on this point that the question of over-crowding in the Bar comes in, and the maxim of the survival of the fittest was advanced as an argument by the supporters of the Bill. When we say that the Bar is over-crowded it is but a partial truth. But add "with the best material". Then that is the full truth. The Bar is over-crowded with first class material. With regard to the number of practising vakils the Law's Delays Commissioner says that there are 764 graduates in law and 1,008 pleaders. This was some years ago.

Now, we may have to add some hundreds more and we have got 1,200 or so law graduates practising. And so it can be readily seen that the Bar is over-crowded with first class material.

MR. M. SIVATANU PILLAI (*Tovala*): Why should not the Government think of abolishing the Law College?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Law's Delays Commissioner has recommended this to Government in his report. This is what he says in para 910 of his report:—

"The question, however, is not whether the pleaders in the past have not been a success, but whether in view of the large increase in the number of practitioners with higher qualifications, some means could not be devised whereby their services could be more fully utilised without at the same time eliminating the class of vakils known as the "pleaders". There is a large volume of opinion among the witnesses examined in connection with this enquiry that the Pleadership Examination might be abolished. Some have even gone the length of suggesting that the Law College itself might be closed for a few years so as to arrest the constant and growing inflow of vakils".

MR. M. SIVATANU PILLAI (*Tovala*): Is it not a profitable concern?

DEPUTY PRESIDENT: That question does not arise when we are concerned with the admitting of second class pleaders in the District Court and in the High Court. We have not anything to do here now about the financial policy of Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, there are about 1,200 law graduates practising in the various law courts of the State now besides of course the pleaders. It was admitted that there was over-crowding in the Bar and it was over-crowded with first class material. But it is asked, why not open out the door to the second class material too? The answer is that it cannot be when public interest is taken into consideration.

Now, Sir, with regard to the abolition of the class of pleaders. There has been a motion in the Legislative Council to the effect that the pleadership classes should be suspended. And the Government have suspended it as a temporary measure because there was already over-crowding in the profession. The High Court Bar Association also

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passed resolutions to the same effect to which the High Court too has had reference. They say there are sufficient number of law graduates and even overcrowding of the Bar with B. Ls. Then why increase the number by second class material. That is the reason why they in British India have abolished pleaderships classes. And we are also trying to do it here. The unemployment committee too is of opinion that there are too many B. Ls. and says in paragraph 29 :—

“The number of B. L's and pleaders practising in the Courts of the State has increased from 1105 in 1922 to 1,640 in 1927 or nearly 50 per cent. The number of B. L's and first grade pleaders increased in the last six years from 436 to 700 and the number of second grade pleaders from 662 to 940”.

Now, Sir, if assuming that the law graduate is the best material which is implicit in the Bill and the Bar is over-crowded with them, on what ground can the door be opened to let in the second class material? I do not see any reason why we should take the retrograde step and go back 25 years and bring back a state of things which existed about quarter of a century ago. The only argument advanced in support of the Bill is. “Please give them more employment and scope for promotion and more bread. Here is a deserving class of people. Here are 1,200 deserving gentlemen so please give them more employment.” That is the only argument that I heard. I say that the House should not be guided by that. We must consider public interest alone. Suppose we admit these second class materials. Will that be to the best interest of the administration of justice? That is the point. What we ought to do is to keep in view the public interest alone. Keep in one scale of the balance the desire of the 1 000 people or so deserving greater employment and in the other the interest of 5 million people, excluding the one thousand, and then decide. Sir, I say the interest of the 5 million people would weight more. If so, the Bill has to be rejected.

Sir, I strongly oppose both the principles of the Bill.

MR. E. V. KRISHNA PILLAI (*Pathanamtitta*). Sir, I did not want to participate in the discussion till I heard the Law Member expounding principles which are quite unacceptable. In the first place it has been taken as a sort of preliminary objection that the House would be acting against conventions of legislation if the High Court's powers are sought to be overlooked, for under the existing law the High Court is given certain powers in the matter of shaping the legal profession in the State. We see, Sir, that the very same High Court which exercises the powers referred to by the Law Member, is given those powers by a Legislature of which we are the rightful heirs. To add to that circumstance, this is a Legislature, this particular existing House, larger in body which can claim to represent in greater detail different shades of opinion obtaining in the State. Therefore there is absolutely no substance in the argument so vehemently put forward by the Law Member that this House would be doing something improper if we interfere with the existing legislation on the subject. The former

House has invested the very same High Court with certain powers. If this House finds it necessary to scrutinise the law and re-consider its application, there is nothing preventing us from doing so. For, as I said, we are the right successors to the Legislature that invested the High Court with these powers. We are scrutinising whether the principles that have been followed by the High Court are up-to-date or whether they require modification or reconsideration, whether the rules have been observed by the High Court and whether the method by which the High Court administers the powers require any reconsideration. Are we precluded from doing so? Certainly not. It may be presumed that the High Court is exercising powers conferred upon it on some reasonable principles. The method of application adopted by the High Court is not, like the Vedas of ancient days, a sealed book to us. They are doing things in the same way this House expect them to do. We have no quarrel with them, we are only re-considering the position and ascertaining whether any change is necessary, in-as-much as the principles that are presumed to be followed by the High Court in respect of this are also the principles that we are expected to follow. When we are now subjecting them to scrutiny it is only proper and just that we do so. The mentioning of the name of any institution does not scare us away. We are competent to give a mandate to the Government, to the High Court, and for that matter, to any institution in the country. If this House is going to decide on the issue raised in the way in which the Law Member wants us to do, this House would be committing a suicidal policy, (*Hear, hear*). That this House is not competent to do certain things is a fact. But this does not fall under that category of things. Moreover we are providing additional safeguards and leaving the High Court to exercise its discretion freely. What is the amendment of Mr. K. C. Abraham? We are going to ask the High Court, "you do conduct an examination, you do prescribe tests for these aspirants."

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): May I know from the member where it is stated in the Bill?

**MR. E. V. KRISHNA PILLAI** (*Pattanamitta*): It is not stated in the Bill, but it is an amendment of Mr. K. C. Abraham.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Sir, I rise to a point of order. I wish to know whether Mr. Abraham's suggestions were amendments to the present Bill.

**DEPUTY PRESIDENT**: I don't think that it was an amendment in the legal sense of the term. But the expression is used here in the sense suggesting a change of the provisions that can be made in the Bill. If that is in that sense I am prepared to allow the word amendment.

**MR. K. C. ABRAHAM** (*Kottayam II*): A word of explanation, Sir. I did not mean exactly 'amendment'. I suggested it as a proposition.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): My point is about the way in which the Law Member deals with that suggestion. The Law Member made too much of a circumstance on which he was very eloquent.....

DEPUTY PRESIDENT: Mr. Krishna Pillai, there is nothing to be gained by using that expression 'eloquent' and to say that the Law Member wanted to be eloquent.

MR. E. V. KRISANA PILLAI (*Pattanamtitta*): I withdraw that word though I used it complimenting the Law Member. So, that objection does not hold water. Then he wanted us to consider this question in this way. Is it not the question before the House whether a certain section of the people ought to be given bread and certain others ought to be deprived of it and whether it is conducive to the public interest? That is not the position and I hope the mover of the Bill would explain this point in his reply. But, Sir, in my view it is certainly in the interest of the public that we reconsider the law on the subject. The House is not concerned whether one thousand people or for that matter, 10,000 people are supplied with bread or not. Here the mover probably feels like this. There is the litigant public or say the poor man for whom administration of law should be made as cheap as possible. The Travancore Government and the Travancore High Court thought it fit to bring into existence a body of persons who they thought would be competent to deal with law only to a limited extent. They are given the necessary education on the general principles of law as it is administered in the State. That is the only possible thing which anybody could be given in any institution. Let it be in the higher classes of the University. That can only be the thing that a University can afford to offer to anybody who wants to qualify himself. That is the only possible thing for any University to offer to a man, that is to keep him informed of the general principles, to create an interest in him, to create an inclination in him and also enable him to select things, to choose things, to study things and to grasp things. That is the only possible thing any teaching body can achieve. Here is a class of people who have qualified themselves to that extent. And the question is whether it is justifiable for this House to make their services available to the degree that is possible to the poor litigants. And what is the sort of litigants we have in Travancore? They are, the majority of them, poor but shrewd, extremely intelligent. Parade before them hundreds of M. L.'s and thousands of B. L.'s. They will not get frenzied by even degrees, but will only go to the most competent individual. You cannot prevent the litigant from choosing the right man who may not be from the M. L. group or from the B. L. group. But he may belong to the second class material. And therefore the only assistance that you can do him is to allow him to use his entire discretion in the matter of choosing his vakil. He should not be told by a certain enactment or by a statute that he should choose only from a particular class. Well; there was a time when such a legislation was necessary. But those times are gone. What I wish to submit

here is that by this we are not going to give bread to a certain class of people but that we are providing the poor litigant with sufficient facility to make his own choice in the matter. That is the thing that is sought to be established by the principle contained in the Bill. The learned Law Member seems to attempt to cloud the issues. This is not the aspect. The most prominent aspect.....

**DEPUTY PRESIDENT:** As I understand the speech of the Law Member, he had not tried there to cloud the issues.

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): And I do not think that any class of people who abide by the Bill do not deserve to be poor.

Another point is also raised in the discussion. That is the distinction between "best material" and "second class material". The Law Member seems to make much of this. He says the distinction or the difference is found admitted by the mover. It is not so I will cite an example I want to speak about two kinds of human beings;—an elderly man and an immature boy. I can refer to them only as such. That does not mean the boy would perpetually remain as such. He can at one time attain the status of the elderly man. In the same way the mover of the Bill wants to retain these two classifications according to the law as it exists now, and he prescribes certain conditions under which the second class material attains the status of the best material; and he does not admit that the second class is perpetually second class material and so is not fit to attain the status of the best.

**DEPUTY PRESIDENT:** May I suggest to you to talk a little slower?

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): The mover prescribes a process of development which when completed will absolutely abolish the distinction between the second class and the first class material. He wants the second class to be put to do the very same function as that done by the first class at a stage when there is absolutely no distinction between them. The distinction sought to be created by the Law Member is more imaginary than real.

Then comes the question of character and efficiency which are certainly an asset to the profession. Certainly these are the two things that go to make one's life a success. If a lawyer wants to thrive, certainly these are the two qualities necessary. Irrespective of the fact that he is cultured, irrespective of any other consideration, these are the two things which he has to cultivate and which are necessary for his own existence. If any lawyer wants to come up in his profession, he has to maintain, irrespective of his education or influence, these two items of equipment. Then only the litigant public will go to him or place any reliance on him. Even as a matter of policy, as a matter of self-interest these are the two things like the Regulations and Proclamations of Travancore, or like any other ordinary requirements of lawyers, these are the two things which one has to maintain if he wants to get on and earn his livelihood by remaining in the

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profession. We must not do anything here which has a tendency to detract from these two qualities. Another aspect is that we should not allow anybody to handle briefs to the detriment of the client. But it is only very, very rarely that we come across such cases and the Law Member himself has not been able to give us a single instance of this practice obtaining among any sort of people, whether of the second class or of the first. Therefore, for all these reasons I submit that the objections put forward by the Law Member do not stand to reason and justice.

MR. N. E. VARUGHESE (*Truvalla I*): I move that the question be now put.

DEPUTY PRESIDENT: I want to make a suggestion to the House. We have been discussing this question and have reconsidered all its aspects at length. And the members are aware that there is no time to make long speeches. But considering that the time at our disposal to-day is limited and also the fact that there are still certain members who want to speak, for instance, I saw Mr. Asan standing up, may I suggest that speeches may be made as brief as possible. Otherwise we may not be able to get through the whole business. Not that getting through the business is of the paramount consideration. But I hope that the House will bear with me if I suggest that, ordinarily, 5 to 7 minutes may be taken by a member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaki*): May I offer one word of suggestion, Sir? The Honourable members, of course, know that this is an important piece of legislation. If the discussion is over and the Bill is not finished to-day it will lapse. So the House should divide on this Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I don't think that I could finish within the allotted time. And, I don't know whether the other gentlemen would acquiesce.

DEPUTY PRESIDENT: I can certainly give Mr. Asan more time. But the Chair will be able to find out when a gentleman acquiesces or not. You please go on, Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the mover of this Bill wants to amend Regulation II of 1075. When a member of this House seeks to get a Bill passed by amending the existing Regulation he must establish either that the existing Regulation has not been working properly and efficiently or that there are certain fundamental defects in the existing legislation or that the circumstances have so changed as to make the existing legislation unsuitable to the time. I do not find any of those arguments mentioned in the Objects and Reasons. What is stated in the Objects and Reasons is this: I shall read one or two sentences:—

"The rights of admission and privilege of appearance etc., of the Vakils are left undisturbed, unimpaired and unprotected by the present Regulation. The Vakils at present are left entirely to the mercy of the rule-making powers of the High Court under Section 4 of the Regulation".

Sir, the present Regulation gives power to the High Court to frame rules and fix the qualification of vakils for practising and other conditions which make eligible a person to enrol himself as a High Court Vakil. Under that Regulation the High Court has laid down certain rules and it has prescribed certain examinations. It has also laid down certain standards. As the Law Member suggested since the required number of qualified graduates in law were not available at the time for practising in all the courts of the State and since all kinds of cases are not triable by the Munsiffs' Courts the High Court thought that a lower standard of equipment will be sufficient for the time as qualification for practising in the Munsiffs' Courts. Accordingly the High Court thought that persons who have passed the School Final Examination or the Matriculation Examination are gentlemen with a general knowledge of English and other subjects who may be allowed to undergo a law-course for two years. The High Court knowing fully well that the value of cases dealt with in the Munsiffs Courts was comparatively smaller and that suits of unusual character did not arise in the Munsiffs' Court they laid down a lower standard of qualification for practise in those courts. Accordingly, the Second Grade Pleaders Examination was prescribed. A large number of people have passed that examination and are practising in the Munsiffs Courts. So when the High Court has prescribed that examination and when a number of persons have passed that examination and are practising in Munsiffs Courts and when an eminent person who has been acknowledged to be well acquainted with the judicial administration in the State says that such an examination should be discontinued, is it proper that this House should say that we should allow those persons who are practising in those courts and who are intended to practise in those courts only by the High Court should be allowed to practise in the District Courts and the High Court? The High Court never thought that the persons whom they declared to be qualified for practising only in the subordinate courts will subsequently become eligible to practise in the District Courts without passing any other examination. I am concerned only with the Bill of Mr. S. J. Nair as it now stands. There is no amendment to that Bill. The tendency in all countries is to raise the standard of qualification. When the persons who are well qualified increase in number is it advisable to say that the standard should be lowered? But what is it now that is sought to be done? I need not dwell upon that point. The question is whether persons who are admittedly of a lower standard ought to be allowed to practise in superior courts. Are we not going back to a period which existed even before 1075?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): I rise to a point of order. Can a Bill be considered in the absence of its mover?

**DEPUTY PRESIDENT**: Yes. The question is whether the mover was present at the time when he had to do something with the Bill. You cannot expect that a man must be in his seat for all time without going out. Any how, Mr. S. J. Nair has removed Mr. Narayana Pillai's apprehension by his entering the Hall.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): It is not proper that the High Courts' intentions must be interfered with. I could have understood if it was intended only for persons who pass at a future date. Then the High Court would fix the necessary qualification for them. But now there is not a chance for the High Court to do so. Though it was stated in the Objects and Reasons that the vakils are at the mercy of the rule-making powers of the High Court nothing has been stated here to show that the rule-making authority of the High Court has been abused. When a particular member wants this House to change the law or to deprive an authority of its existing powers it must be shown that the authority that was exercising those powers is not using them in public interest. I have not heard any argument with that allegation. What I am submitting is that the question of taking the powers of the High Court and depriving it of its powers must be considered with very great care. One of my friends has been remarking that if we do not pass this legislation it may appear that the High Court has got higher powers than this House. Anybody who has gone through the Statutes regarding that knows fully well that the duty of the High Court and the subordinate courts in the land is to administer the law as laid down by this House. It was argued that this Bill should be passed at least for the purpose of establishing that this House is superior to the High Court.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Siakar Vakil*): Did anybody deny the power of this House?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): No.

**DEPUTY PRESIDENT**: Who is the member concerned?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Mr. E. V. Krishna Pillai said that at least in order to show that this House has power over the High Court, this Bill should be passed.

**DEPUTY PRESIDENT**: I wish to make a statement. Mr. Asan said that Mr. E. V. Krishna Pillai's argument was that in order to show that this House has superior power over the court this Bill must be passed. I wish the House will really understand his argument. Will Mr. E. V. Krishna Pillai explain his position by a short statement?

**MR. E. V. KRISHNA PILLAI** (*Pattanamtitta*): I submit that that was not what I said.

**DEPUTY PRESIDENT**: That was how I understood him.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Then I need not argue that point. It has not been established that there is necessity for a change in the law owing to the mis-application or misuse of the powers vested in the High Court under the existing Regulation.

Another question that has to be considered is whether the public interest demands such a change. One can understand that if the public interest demands, the law must be changed. Has it been stated anywhere that the public of the country, the people of this land, are in dearth of qualified lawyers in the District Courts and in the High

Court and that they want a larger number of lawyers. It has not been stated in the Objects and Reasons. What is stated is:—

"Under the existing system, no sort of encouragement is given and promotion provided for the First and Second Grade Pleaders in Travancore. This system of compulsory and permanent stagnation in the case of a large section of Vakils, who practise in the various subordinate courts in Travancore is most undesirable. There is no profession for which there is no promotion. There is no work for which there is no encouragement. There is no labour without reward. There is no merit without recognition. There is no talent without full scope for its exhibition".

DEPUTY PRESIDENT: This is one of the objects.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The other object I have dealt with.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Where is it from?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): From the Objects and Reasons appended to the Bill.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that the public of Travancore have submitted a memorial praying for the enhancement of the powers of the second grade pleaders?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not propose to answer that question.

What I beg to submit is that if a vakil of the Munsiffs' Court is efficient and competent he will have immense practise and will be making sufficient money. That is their reward. The vakils of the High Court also have only that reward. A leader of the High Court commands the confidence of the litigant public.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether the B. L. s after passing the examination and a practice of three or four years automatically become eligible for practise in the High Court?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I shall consider that question when an amendment regarding the same is brought in. We are legislating for all classes of people. What we have to consider is whether the ordinary layman who is not in the know of all these things will be able to choose a good vakil. I am placing only one suggestion for the consideration of this House. There are the medical practitioners. Sir, certain qualifications are prescribed even to them and all men are not allowed even to sell medicines.

MR. K. R. ELENKATH (*Kalkulam I*): Are the qualifications fixed for the medical practitioner almost the same as those fixed for the legal practitioner?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not want to take away the time of the House by answering these questions. What I am submitting is.....

DEPUTY PRESIDENT: Mr. Asan raised a principle. Mr. Asan has an answer and is prepared to give it. He is at liberty to do so. But not taking the time of the House when a question is asked is not an expression which can be used. It indirectly insults the other member. If you have an answer please give it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It is out of deference to the Chair that I said like that, Sir. The Chair has reminded me of the time at the start and directed me to be as brief as possible. I shall come back to my argument. And so there is a reward for them. There is only that reward for the High Court Vakils also. Probably for the District Court Vakils who could not afford to come to the High Court, the reward is that he gets sufficient engagements. Sir, it is not likely that persons who are not able to get the reward, which I have just now stated, in the Munsiffs' Courts are going to get any even if they are allowed to practise in the District Court.

Sir, it has been mentioned by one of the speakers that the Law's Delays Commissioner considers that the second grade pleaders are efficient and that on that ground they may be allowed to practise in the District Courts. I would refer to that report only to say that the best authority is in my favour. At page 816 of the Laws Delays Commissioner's Report, it is stated:

"Two other suggestions have also been made in this connection, viz., first, that the number of vakils attached to each court might be limited to a certain maximum and fresh enrolments might be permitted only as vacancies occur, and secondly, that there need be no further recruitment to the grade of pleader....

.....  
 ....If a sufficiently large number of the higher grade practitioners became available for the litigant public in the subordinate courts, there can, really be no hardship or injustice in restricting the enrolment of the lower grade pleaders."

Then at page 817, he says:

"These considerations led me to the conclusion that there is no longer any need for a class of lawyers with a lower standard of education and attainments than that of the graduates in law. But from this it does not follow that the pleadership classes should be abolished, for it is necessary that there should be an institution to impart legal education to those who aspire to it though it may not be on the scale provided for by the University. But persons who are this qualified should not expect to be permitted to do the work which men with higher qualification alone should ordinarily attend to."

What I am submitting is that the Laws' Delays Commissioner in unequivocal terms, says that when there are persons with better qualifications, persons with lower qualifications should not be allowed to practise even in Munsiff's Courts. But they may be considered as qualified for the purpose of recruitment as vakils' clerks, document writers and all that. In view of that fact, I submit that it is not proper to say that the Laws' Delays Commissioner has supported or has stated that the second grade pleaders are efficient for such advocates' work. It is a misreading of the report.

MR. PACODE A. NARAYANA PILLAI (*Vilankod*): Does not the Laws' Delays Commissioner also say that these parties would be also used to employ attorneys to prepare cases to legal practitioner?

DEPUTY PRESIDENT: I think Mr. Naryana Pillai meant solicitors. Attorneys are somewhat different.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If any person is very anxious of engaging a person who is not a graduate-in-law, he has now the chance of engaging a second grade pleader with power-of-attorney as

suggested by the Honourable member for Ambalapuzha and the Honourable member for Trivandrum Town. With regard to that argument advanced by those Honourable members that as second grade pleaders with power-of-attorney are entitled to appear in courts and argue cases in District Courts and High Courts they may also be safely enrolled as vakils of such courts. My submission is that the members who brought forward that argument were unable to give satisfactory answers to questions put by me. My question was this—If second grade pleaders who are appearing in courts with powers-of-attorneys are to be given sannads for practising in the High Court or District Court, could not all these qualifications be taken away from the Statute Book as it is only logical conclusion that all persons may be given sannads for practising in all courts.?

**DEPUTY PRESIDENT:** Has the member for Ambalapuzha made such a statement? Is it relevant? I do not think that it should be more clear. Mr. Asan stated that the member for Ambalapuzha has said that in the same way as the power-of-attorney holders are allowed to practise or put a case before the courts, so everybody who asks for it will be given sannads to practise as vakils in various courts.

**MR. A. S. DAMODARAN ASAN (Mavelikara):** I did not say that everybody is entitled to practise or that it was so stated by the member for Ambalapuzha, etc.,

**DEPUTY PRESIDENT:** On that point Mr. Asan is the best authority.

**MR. A. S. DAMODARAN ASAN (Mavelikara):** What he stated is this. If persons with power-of-attorney are allowed to conduct cases in these courts and if it will not be causing much injury to the parties concerned except that it may incidentally cause some injury to Government they have to pay higher rate of fees for the execution.

**MR. KAYALAM PARAMESVARAN PILLAI (Additional Head Sirkar Vakil):** May I point out that in the High Court the stamp duty for a Mukthiar is Rs. 2 and for a power-of-attorney Re. 1?

**MR. A. S. DAMODARAN ASAN (Mavelikara):** Yes, my question was that I wanted a definite information upon that. Because by the proper application of that argument any person could be allowed to be enrolled as a vakil because any person may appear through a Mukthiyar.

**DEPUTY PRESIDENT:** Is that the definite information that is required?

**MR. P. K. NARAYANA PILLAI (Ambalapuzha I):** May I make my position clear? Sir, what I pointed out was that in the light of the law as it stands at present there is an absolute prohibition for the appearance of second grade pleaders in the District Courts. A party, if he so minds to execute a power-of-attorney to a second grade pleader and asks him to appear and argue a case for him is, no doubt, at liberty to execute the power-of-attorney or not. Similarly that being the provisions of law as it exists at present, I said a second grade pleader can

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practically disregard them if their out-turn had to circumvent the present provisions. Then I put a further question, if a second grade pleader of long standing, of approved character and ability is available and he is prepared to appear under a power-of-attorney, say on account of cheapness of the encouragement, why cannot the Legislature recognise his ability as a pleader.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Did I not ask a question at the time?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I do not recollect that such a question has been asked; then why not the qualifications of the vakils as a whole be removed?

DEPUTY PRESIDENT : Mr. Asan's question being withdrawn, Mr. P. K. Narayana Pillai may not answer.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, and so what I was submitting is that that argument also advanced in support of this principle of the Bill is not sustainable. I wish that the House also should agree with me with regard to the acceptability of that argument.

Then another point, the only further point, which I wish to state, is that though I also am not against encouraging exceptionally brilliant men, we, in making the laws for the land, must lay down the law correctly for the benefit of the general public and not for one or two individuals. And all that I could request this House to consider is whether the public interests demand that this House should declare that the second grade pleaders are eligible to conduct cases in the High Court and in the District Courts after a lapse of time. How could the lapse of time make them more efficient? Following this amendment in seven years a Munsiff's Court vakil will be entitled to be enrolled as a District Court vakil and after five years he will be eligible to be enrolled in the High Court. That is, in the course of 12 years a second grade pleader should be allowed to be enrolled as a vakil in the High Court.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, under coercion of circumstances I propose to speak a few words in connection with the motion before the House. I did not intend to speak before I heard the Law Member. If I understand him correctly he raised objection to the introduction of the Bill on three main grounds. The first was answered from one point of view by the Honourable member, Mr. E. V. Krishna Pillai, and I propose to answer the same objection from another point of view. The Law Member was developing an argument that because the High Court has been already given the powers to make rules for purposes of administering justice, this House will not be justified in interfering with such powers already given them, the High Court being the only body available to deal with matters arising from administering justice in the land. Sir, I take it the Law Member spoke on behalf of the Government.

**DEPUTY PRESIDENT :** Certainly that goes without saying.

**MR. M. SIVATANU PILLAI (Tovala) :** Very well. It is a matter of common knowledge to the Honourable members of this House that when the Honourable the High Court either make a proposal for an appointment or recommend to the Government a particular person for the appointment, the Government act differently, thereby going counter to such appointment or proposal for an appointment. For instance there are several occasions known to the members when the High Court appoint a Munsiff, or a Sirkar Vakil and for the matter of that, when they make a recommendation to the Government to appoint a judge, they very often set aside such appointments or recommendations and in their turn suggest back to them to appoint or recommend another. I ask, Sir, whether in the face of the argument advanced by the Government member, such a course is open to the Government. I only say what is sauce for the gander is equally sauce for the goose.

**DEPUTY PRESIDENT :** Are you arguing that from first-hand knowledge?

**MR. M. SIVATANU PILLAI (Tovala) :** For further elucidation of this point I may cite this instance. I may remind the Honourable members of this House that I once put an interpellation in reference to the appointment by the Government of a second judge over-riding the unanimous recommendation of the Honourable the High Court. The Government member, the then Chief Secretary, stoutly defended the action of the Government in doing so, perhaps on grounds of very weighty reasons or on grounds of the so-called efficiency on which they very often depend for questionable appointments made by them.

**DEPUTY PRESIDENT :** How is that relevant?

**MR. M. SIVATANU PILLAI (Tovala) :** It is relevant in this way, Sir. The institution of our High Court according to the Law Member being the only body competent and available for purposes of doing things in the matter of administering justice, the Government ought not to have interfered with such acts of the High Court as they did in the case I cited a little before. I ask, Sir, whether it is consistent for the Government member now to say that this House shall not interfere with the powers already granted to the High Court in the matter of choosing who is competent to appear before them or before their subordinate courts. In other words, if it is permissible for the Government to act against the wishes and recommendations of the High Court, I ask, why this Legislature should not prescribe rules for their guidance? I wish to make a present of his own argument to the Law Member. I wish to submit that it is true that the High Court being entrusted with the function of administering justice is the only body most competent to control matters governing justice, and it is also equally true that this House gave them under the High Court Regulation powers to make rules as well. If circumstances exist and warrant a revision of provisions relating to powers conferred upon the High Court, this Legislature is at perfect liberty to revise them and it is this simple

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thing that is sought to be brought forward for consideration before this House by introducing a Bill of this nature and that is my answer to the first ground of objection raised by the Honourable Law Member. Secondly the necessity of making a distinction between the first class and second class material was stoutly maintained by the Honourable Law Member. There was more than an answer given to this by the Honourable member Mr. E. V. Krishna Pillai. I freely confess that the argument developed by the Law Member on this line at first apparently appeared to be some-what convincing but as I listened further to the speech of the Law Member repeating the very same argument of a first class material and second class material and repeating *ad nauseum* it detracted from the strength of the argument.

DEPUTY PRESIDENT: Are you very particular to use the word '*ad nauseum*' and all that?

MR. M. SIVATANU PILLAI (*Tovala*): The repetition of unhappy expressions was nauseating and hence I used the word and I am not at all particular to use it again.

DEPUTY PRESIDENT: Are you not willing to withdraw that?

MR. M. SIVATANU PILLAI (*Tovala*): With very great pleasure I withdraw that, Sir.

DEPUTY PRESIDENT: I am very happy.

MR. M. SIVATANU PILLAI (*Tovala*): To repeat it, Sir, is equally unhappy.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether it is not the distinction seen in the draft Bill?

MR. M. SIVATANU PILLAI (*Tovala*): Not that. All that the draft Bill says is, as at present, a certain class of lawyers is allowed to practise only before Munsiff Courts and they are not permitted to practise before District Courts, and it is this fact that is given expression to in the Bill so that the expression is certainly not an admission of distinction between these two on the part of the mover. I am prepared freely to concede there was a time when there were first class materials and second class materials, but now for long it is my experience that there is no such justification for such a distinction. There was a time when there were first class materials but with the experience that I have of the present-day lawyers I do not permit myself to concede that it continues so. A great majority of our educated young men take to study law not out of a taste for it but out of sheer necessity or exigency of their life and they join the Bar that has only become an inevitable bar for their future prospect. I ask Honourable members whether it is not a fact, that a large proportion of our educated young men taking to the profession of law have become a thorough failure, and also become an object of pity. May I put it to the House whether it is really honest and correct to say they are of the first class material and are luminaries of law in the real sense of the word. They are found to be actually starving and

at their wit's end to find their wherewithal. Under these circumstances I ask, why should there be so much fight between fellow members ranging themselves on opposite sides as I see now in this discussion. I greatly wish that Lord Curzon had been here at the present moment to watch the fight going on because the very object of his accomplishment, namely, the enacting of the University Act for which he was primarily responsible, has been fulfilled with a vengeance. It is true to say in western countries the profession of law will be taken up only by those who have got a taste for it and the system of practice of law has been brought to perfection because it is so zealously controlled by a body of persons, namely, the Inns of Court. There it is not the case that persons take to law because they have no other go, as is seen here, but because of the love for the study and practice of law, and as such there is no use comparing the set of legal practitioners in western countries with ours; similarly also in American countries and in Japan. In the latter two countries University degree is not recognised as a hall-mark of perfection in education and much less perfection in character, nor in culture, and that is why we hear people scoff at American or Japan University degrees. Perhaps they may have legitimate reason also for this contempt but I may remind you that they are not the worse for it but a thousand times better than what we are to-day. I am only sorry that there is an impression prevalent among ourselves that the end of all our education is only securing a University degree. I may remind you in this connection that the object of introducing a University Act in India was not only to create handy materials for purposes of carrying on a foreign rule, but also to create a gulf between the so-called educated class and the vast majority of uneducated people just to facilitate the continuance of such rule. In this way there is greater and greater detachment between the graduates and non-graduates and each one looks upon the other not with much respect, but in actual practical life there is no such distinction to be seen. They are only co-members in their struggle for life and according to one's own acquisition, experience, culture, equipment and character one becomes successful and certainly not for the reason that one happens to be a graduate and not because one is a first class material and the other is a second class material. Please excuse me for the repetition. Sir, what is required under this Bill is a very simple question. Granted there is the requisite character, requisite culture, requisite experience and equipment, will not this House be justified in removing the ban that is now placed on the persons who possess them, from appearing before a higher tribunal as vakils? Of course it may be thought that 7 years experience of practice before Munsiff's Court may not be sufficient to attain the equipment and experience sufficient to enable one to do full justice as a practitioner before a District Court. That is a matter for the Select Committee to go into, and the Committee is at perfect liberty to prescribe the method of removing the restriction of second-grade pleaders. Some of them may not be fit enough to do their duty before a higher court but certainly it is not the case at any rate

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with some who may be admittedly competent in all ways to function as a lawyer before a District Court. Such being the case I ask why not make provision for those some persons at least enabling them to appear before the District Courts and that is the thing that is wanted in the draft Bill. If the question be that second grade pleaders are only the second class material and the law-graduates alone are given the monopoly of being the first class material, I ask, Sir, what is the meaning of the publications in almost every issue of the Madras Dailies of disciplinary actions having been taken by presiding officers of courts against the graduate lawyers? I ask, Sir, if that is the result of the so-called first class material or the so called equipment and culture that is now sought to be associated with law graduates. Hence I wish to maintain that the conferment of a degree has nothing to do with the moulding of character and equipment which is nothing but the result of the nature of the atmosphere under which one is born and brought up. Of course general education has something to do with the enlargement of the mental horizon but that is not the sole thing. If it be so I ask, Sir, where is the integrity, where is the character, where is the mental equipment in a gamut of this graduate lawyers who are either suspended or drastically dealt with under disciplinary action by presiding officers of courts as we have come across almost daily in the publication of the several Dailies published from outside? I earnestly appeal to the Law Member to revise his contention relating to the first class and second class material and also not to repeat these words so that it may leave an impression of a graduate lawyer spoiling his case by a repetition of the same argument *ad infinitum*.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the equipment required for a lawyer referred to by the Honourable member, include the general education also?

MR. M. SIVATANU PILLAI (*Tovala*): Of course the equipment consists in experience, knowledge and ability to assimilate experience and knowledge and also ability to digest general education.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): If that is so, does the Honourable member expect that equipment comprises general education also?

DEPUTY PRESIDENT: No, that is a speech.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will the Honourable member please explain whether the equipment will not be better if the course of general education is higher?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I refuse to accept that unintelligent memorizing is general education.

Now I come to the report of Laws' Delays Commissioner. I am glad, Sir, the Honourable members who spoke opposing the Bill brought into assistance that report. What does it say? I am afraid most of the Honourable members who relied upon that report did not understand the position fully as described in the report. The Laws

Delays Commissioner concentrated his attention on the problem how he could eliminate laws' delays. The first thing that strikes him is the overcrowding of the Bar and he thinks that overcrowding is primarily responsible for the delay in litigation. With great respect to the author of the report, I take exception to this view; nevertheless, the fact of overcrowding may be accepted and the solution offered in it is to close the door of the factory that produces lawyers. The Commissioner being a person shrewd enough to understand things, realizes the limitation of our Government, to which he reports his recommendations, and that is why he recommends the abolition of the pleadership class alone over which the Government has got control and not the abolition of the Law College which though it may be abolished by our Government will not stop the inflow of law graduates yearly turned out by law colleges elsewhere. Even if there will be a recommendation to abolish our Law College here the Commissioner knew the Government will not do it because it is a profitable concern but the Laws' Delays Commissioner never says anywhere in his report that the second grade pleaders are of second class material and, as such, their production should be stopped but on the other hand he gives a glowing tribute to the second grade pleaders consisting of men of great ability and astuteness and equipment fit enough to adorn the bar, and I fail to understand Sir, why those who opposed, relied upon this Commissioner's report.

Here at present the case is not the same but a different one. There is no scope for our young men who get out of the college year after year to get themselves employed and they have money to get tuition in other technical branches in foreign countries. Naturally therefore they enter the Law College which our benign Government have supplied and afterwards take up the profession. There is no justification in comparing the present position of a lawyer here with a legal practitioner in England. We find here law-graduates are produced in large numbers year after year and the Government are practically helpless to shut the door of the University.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the number of graduates or the number of undergraduates is greater among the unemployed?

MR. M. SIVATANU PILLAI (*Torala*): My own impression is the number of graduates is greater as compared with the number of second grade pleaders. I am only referring to the profession and not to the state of affairs in general, to solve the unemployment-problem among graduates. That is not the question before the House. So, sir, to my mind it appears all those arguments that have been developed here by the members who opposed the principle of the Bill did not at all convince me and I wish the House will consider the question in its real issue. Perhaps the question may involve the fundamental question of struggle for existence but all the same we are sitting here as legislators and we have got to take both sides and hold the balance and not prompt ourselves to be taken away by one's own interest in the matter

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but to see whether after all there is any harm in the introduction of the Bill and I hope the House will accept the Bill. If there be any further suggestion as made out by the Honourable members, Mr. K. C. Abraham and Mr. E. V. Krishna Pillai, there will be time enough to consider such suggestions in the Select Committee.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): During the initial stages of the discussion I deemed it not necessary to speak on the subject. But now I wish I had the power to pour oil on troubled waters or to suggest some amendment which might set at rest temporarily at least this controversy. The wealth of learning and knowledge with which Honourable members were advancing their arguments for and against this proposition placed me in a state of bewildering mind. But when I came to hear the lucid and powerful plea put forward for the total rejection of this Bill by the learned Law Member on the ground that it is against the principle of sound administrative efficiency, then I made up my mind to oppose the Bill. Then, Sir, I asked myself seriously the question whether this Bill, the principle underlying this Bill, is one of supreme importance, whether this is agitating at present the minds of the public of Travancore and whether it is a subject of permanent importance to be legislated upon by the members of this House. Then also it struck me Sir, that this is matter that may be conveniently left to the administrative machinery. In the Judicial Department, we need not interfere in these details leave them to the discretion of the High Court not because we have not got the power to legislate upon those things. For the sound and efficient administration not only of the Judicial Department but for the efficient administration of the various departments of the State, it is only fair and it is only consistent that we do not interfere with a certain amount of discretion that has been rightly vested by the Legislature in the heads of various departments concerned. Here the rule-making power rightly or wrongly is vested by the Legislature in the High Court which is the highest tribunal of justice in the land. As often as occasion arises, we do not hesitate to criticise the efficiency of the administration of the Judicial Department. And for the sound administration of the Judicial Department I think the practical details of work of the whole department should be entrusted to the High Court; and they have framed certain rules for the appearance and pleading of lawyers in helping the administration of justice. What particular qualification a practising lawyer must necessarily have is a matter of detail because the primary relation is between the tribunal and the vakil concerned, for the vakil is only a legally recognised intermediary to put forward the case before the court to be adjudicated upon. In the actual administration of justice a vakil has no independent status apart from the court. The vakil for the time being represents the client behind him and helps the court as well as the client in the proper administration of justice. Regarding the qualifications of the agent it is only fair that we leave this to the High Court. If we interfere in these

small things probably we will be forced by the necessary implications of this interference to dip our hands more and more in the actual working of the various departments concerned.

I would like to impress upon the House the force of my argument by one or two illustrations. Recently a G. O. has been issued by the Government to the High Court regarding the recruitment of officers to the judicial service stating that a particular per-centage should necessarily be recruited from the practitioners when recruitments are made from the Bar. Now if this Bill becomes legislative enactment whereby first grade pleaders become High Court Vakils and second grade pleaders become District Court Vakils, certainly corresponding changes regarding the recruitment of officer from the pleaders should be made and they also should be made eligible for the highest post in the Judicial Department. Viewing the broad aspect of the matter we will be convinced that for the efficient administration of every department where technical qualification is required apart from general educational qualification it would be advisable to leave the power of framing rules with the Heads of departments.

It was only the other day that the Land Revenue Commissioner put before us a supplementary demand for technical training in the survey line being given to some Tahsildars and Magistrates. The demand was made by the Land Revenue Commissioner. So, after all, as I have tried to place before the members, being a technical aspect of the matter it should be left to the High Court. If I am engaged by a client I can put his case before the presiding officer only according to certain recognised rules and laws. So, that is also in a way a technical thing. Whether that technical matter is presented in the best form could be determined only by the presiding officer who has to adjudicate upon that. So being a matter of detail, it need not necessarily engage our serious attention and consideration.

There is also the broader aspect of the question which I wish to emphasise. If at this juncture we wish to interfere in these matters of detail in the administration of justice when so much discontent and heartburning exists, when there is so much clamour about the delay in adjudication of justice in our Civil Courts, we are going to interfere by legislative enactment. With the rule-making discretion of the High Court they might turn round at a subsequent moment and say "how can we" help it when "even in matters of detail you are fettering our discretion".

**DEPUTY PRESIDENT :** I do not see the relevancy of the argument. Does the member mean that the High Court will do tit-for-tat?

**MR. EDAVANATT S. PADMANABHA MENON (Shertala I):** I never meant this aspect to be taken as a threat. Even on the assumption that the High Court is denied rule-making power, I do not say that they will be so peevish or nervous to do tit-for-tat. I was just trying to impress upon the House that it is not worthwhile to interfere in matters of detail regarding the administration of one of the most important departments of the State.

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Consider also another aspect. Is there an insistent call as the Law Member puts it from the country? It is only to further the interest of 1000 and odd people out of 50 lakhs that this Bill is moved. It is not a matter of burning importance, it is not a matter of urgent importance for the nation as a whole for whose welfare the State machinery is run. Allowing second grade pleaders to practise in District Courts and recruiting them as Magistrates will not, I hope, remove even by an inch the very serious hardship and disabilities which the litigant public are now suffering. It will not be a panacea and it will not be a solution of the very difficult problem.

MR. M. SIVATANU PILLAI (*Tovala*): Will the repeal of the Breach of Contract Regulation bring about a millennium to the poor classes as a whole?

DEPUTY PRESIDENT: That question does not arise. So it need not be answered.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): With these few words I too wish to oppose the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I wish to say a few words about the principle of the Bill. I am very sorry to oppose the principle underlying this Bill because this is a Bill that is initiated or introduced by a member on this side of the House and it is not ordinarily in the best of Parliamentary traditions for a non-official member to rise to oppose a Bill introduced by a non-official member.

DEPUTY PRESIDENT: Before you continue, let me say there is no such rule in any Parliamentary institution. A non-official member may introduce a Bill and another member whether official or non-official may oppose it. So the rule that you apprehend does not exist.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I did not say there is any such rule, Sir;

DEPUTY PRESIDENT: You proceed with the argument.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Whatever it is, as one representing not the particular profession under debate here but the general public I feel compelled to speak a few words.

MR. M. SIVATANU PILLAI (*Tovala*): Also representing the other section of the public which you referred to?

DEPUTY PRESIDENT: Mr. Sivatanu Pillai will leave that matter to his sweet will and pleasure.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, this profession of law is a very noble profession and a learned profession and one peculiar feature about this profession is, of course that will be admitted by the prospeakers and anti-speakers—that this profession of law is at the same time the most democratic as well as the most aristocratic profession in the world—democratic in this way that it does not prohibit any member of the public when he is possessed of the required qualification to enter the profession and rise to the most eminent position. It does not place any restriction whatsoever.

It does not apply any restriction whatsoever and it is open to a member, when he has entered the precincts of this particular profession, to rise to the top-most height. There is no bar in that respect because this is the most democratic profession in the world. At the same time, it is a most aristocratic profession, because it does recognise certain classifications based upon certain intellectual standards. For instance, Sir, it is said that the Bar in England is a unified Bar. There is only one class of Barristers. They have not got so many classes of pleaders such as High Court Vakils, District Court Vakils; Munsiff Court Vakils, Vakils, Pleaders, Advocates, Attorneys and so on. Still the English Bar does recognise a classification in that it is not every raw barrister that can become a K. C. It is after very many years experience, he gets that position and——

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, in England, a junior-most barrister on account of his extraordinary talents can rise to the position of a K. C. or not?

DEPUTY PRESIDENT: Courtesy requires that a member who is speaking may be allowed to finish the sentence.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the member has any new point?

DEPUTY PRESIDENT: I think members may be patient and give a reasonable time to the gentleman in possession of the House to speak. The member feels that he has something to say and so he is quite at liberty to do so. Kindly do not thrust either to the member or to the Chair unnecessary questions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): What I say may be new or old points. But I request my fellow-members to take them at their true worth.

My point is that the Bar does recognise a distinction based upon certain standards, intellectual as well as others. So far as our State is concerned, the Bar in Travancore is not a very ancient one as it is in other countries. I should say that the first Regulation in Travancore relating to the qualification of legal practitioners was passed so early as 1104. This is what is stated in the Preamble.....

The power of admitting Vakils with the requisite training was vested in the Sadar Court, the predecessor of the High Court. When this Regulation was passed it was applicable only to Vakils practising before Sadar courts, Zillah Courts and Munsiff Courts also. This Regulation was superseded by the Regulation passed in 1075. In Travancore our High Court has been functioning as a Council of legal education as it is known in England. In England the Benchers of the Inns of court with the Council of legal education lay down the qualification of members of the Bar. In Travancore, this function is being discharged by the High Court. There are various historical causes for this in the history of our administration of Justice. We have several courts and several classes of legal practitioners. The reason

[Mr. Pacode A. Narayana Pillai]

why the different standards were allowed for the purpose of different courts is a matter of history. All on a sudden, to call upon this House to obliterate or wipe away all such distinctions, well, that is not in the way of progress.

**DEPUTY PRESIDENT :** So far as I see, the present Bill of Mr. S. J. Nair does not want to wipe-off all distinctions between vakils and xakils.

**MR. PACODE A. NARAYANA PILLAI (Vilavankod) :** My point is, if the Bill is passed, the distinctions which we have been observing so long will be wiped-off.

Sir, every citizen has a right to get the best material. As a citizen I have the right to get the best rice for my food, the best cloth, the best education, and so on. That is an inviolable right.

**MR. K. R. ELENKATH (Kalkulam I) :** How does this amendment Bill restrict such rights?

**MR. PACODE A. NARAYANA PILLAI (Vilavankod) :** A state interfering and enacting a new measure laying down qualifications for legal practitioners is the same as enacting measures like the food Adulteration Act, the Brothels Act etc. We will look at the rational that underlies such rights. Protection of the right of the citizen to get the best service for the money he pays has to be conceded. If this measure is passed what will happen is this. It will affect the rights of the citizen. Now a certain field of choice is prescribed by the Rules and Regulations. A few more persons will be coming into the field. For the citizens who were choosing practitioners from a certain field, there will be put in some more men. Any one can be selected from that field.

**MR. K. R. ELENKATH (Kalkulam I) :** Is it the member's fear that bad elements will be driven from the field of choice?

**MR. PACODE A. NARAYANA PILLAI (Vilavankod) :** Rather into the field of choice. In course of time, Sir, even the good material available will be destroyed by such mingling. I think this measure will not be in the best interest of the citizens: It is not in the direction of progress; it is a highly retrograde step. I should not be understood as casting any reflection on the second grade pleaders when I say this.

**MR. P. K. NARAYANA PILLAI (Ambalapuzha I) :** Was not the member's reference as "poison" a reflection upon the second grade pleaders?

**DEPUTY PRESIDENT :** That was an exaggerated way of using a figure. I think the House can afford to take it in that light.

**MR. M. SIVATANU PILLAI (Tovola) :** Is it because the member himself was affected, he put such a question?

**DEPUTY PRESIDENT :** Please wait and see

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): That is why I said, I should not be understood as making any reflection on the abilities of second grade pleaders. I submit, this Bill is not in the direction of progress. It is a highly retrograde step. It is fundamentally wrong. Its principle is unsound. It is historically incongruous. There are among class of lawyers known as second grade pleaders, men, who for their forensic abilities, and knowledge of law, are second to none. They could stand their own among any class of lawyers. While speaking against this measure, it should not be understood as casting a reflection upon the legal practitioners known as second grade pleaders. So far as rights and privileges are concerned I do not think there should be any distinction whatsoever between a second grade pleader or for that matter a first grade pleader or a vakil of the High Court. As members of the Bar, as legal practitioners, to whichever category they belong, they should enjoy the same rights and privileges. That is why I submitted at the outset that this is a most democratic profession in the world. From the mere fact of the kind of training and higher education received, to say that A is of a different category, B another and so on and so forth and that they should have the privilege to appear in a particular court—in all this I think there is no distinction at all this lawyers. But.....

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): If the Bar is a democratic institution as is now vehemently urged by the member, should not any member of the Bar be allowed to rise to any height he wants?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): By a democratic institution, it is not meant there should be a complete annihilation of all internal distinctions. Mediocrity is not the aim of democracy. It is not at all by conferring on all sundry the right to exercise all the privileges open to the highest qualified men.

**MR. P. K. NARAYANA PILLAI** (*Ambalapuzha I*): If so, whether a second grade pleader should not be allowed to practise the profession of a first grade pleader?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): That itself is a privilege. Because a first grade pleader is privileged to plead in a particular court, it does not mean that—

**MR. A. THANU PILLAI** (*Trivandrum-Rural*): May I know whether anything turns upon the interpretation of the word "democracy"?

**MR. PACODE A. NARAYANA PILLAI** (*Vilavankod*): No, Sir.

**DEPUTY PRESIDENT**: When a word used and the member having had some difficulty of understanding, a question was put and explanation given. Therefore it has something to do with it.

**MR. A. THANU PILLAI** (*Trivandrum-Rural*): Was it in this Bill?

**DEPUTY PRESIDENT**: A speech is generally made to propound some of the principles involved in the subject. This is the position here also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): A word of explanation, Sir. When the member referred to the Bar as a democratic institution I think he was conceding the right that every member should be allowed to rise to any height without distinction of class, privileges etc. So it is, I was reminding the member whether a second grade pleader is not entitled to take up the profession of a first grade pleader.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does anything turn upon the interpretation of the word "Democracy"?

DEPUTY PRESIDENT: When a word is used and when an explanation was given to a member who had some difficulty of understanding it, the further usage of the word is perfectly allowable.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): When the learned member referred the Bar as a democratic institution, I thought he was conceding the right of every member to rise to any height without difference of class or creed. Then the second grade pleaders can rise up and practise in the District Court.

DEPUTY PRESIDENT: Because it is the fag end of the session it does not mean that it may be made difficult for the chair to hear a member when talking.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In answer to the question put by the Honourable member for Ambalapuzha, I say that I used the word in its real sense. When a person acquires the required claim there is nothing in this profession to prevent him from rising to any height whatsoever he can aspire to. That is what I meant.

Now, sir, only one word more. Sir, as I said, there were and even now there are very eminent members among the second grade pleaders.

DEPUTY PRESIDENT: That has been mentioned on the floor of the House twenty times to-day.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): As the members of this House are aware, a very solemn and sacred trust is placed in our hands; we are called upon to pass a measure dealing with the qualifications of legal practitioners so that they could plead before certain classes of courts. Sir, we are not legislating for one individual or for that matter for a group of individuals. What should be present in our minds' eye at a time when we consider this Bill is the interest of the majority of the litigant public.

MR. K. C. ABRAHAM (*Kottayam II*): May I know from the member for whom the Bill is intended? And whether it is intended for the second grade pleaders to enable them to practise in the superior courts?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): So far as I am aware, there has not been any request from the litigant public to raise the status of the second grade pleaders to the first grade.

MR. S. J. NAIR (*Nedumangad*): Is the member aware that the members of the S. M. P. A. at its 28th session has submitted a memorial to the Dewan of Travancore that the pleaders status should be raised?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I am not aware of such a representation. Even if there was one it was not made by the litigant public. As members of the S. M. P. A. some second grade pleaders might have made some representation.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that the members of the S. M. P. A. were landed proprietors?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I ask the member whether there is any published record?

MR. S. J. NAIR (*Nedumangad*): I refer to a printed copy of the memorial.

DEPUTY PRESIDENT: Mr. S. J. Nair, are you going to supply information or are you going to ask for information?

MR. S. J. NAIR (*Nedumangad*): I am going to ask for information.

DEPUTY PRESIDENT: The member is not going to give you,

MR. S. J. NAIR (*Nedumangad*): I am going to supply information.

DEPUTY PRESIDENT: Mr. S. J. Nair is not permitted to supply information.

Let me once again refer in this House that an atmosphere of quietness and calmness is necessary for proper discussion. Demonstrations must be avoided as far as possible.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Some paper has been shown to me by Mr. S. J. Nair. But I have not seen that in the published proceedings of the S. M. P. A. So I don't feel compelled to answer that question.

Finally Sir, I have only to submit one word more. As a sacred trust in our hands, I make this humble appeal to the Honourable members of this House to pause and consider before they finally decide one way or the other so far as this Bill is concerned.

MR. N. JOHN JOSEPH (*Nominated*): സർ, ഈ സഭയുടെ പട്ടാഭിമാനക്കു വിഷയമായിരുന്ന ബില്ലിനെ അനുകൂലിക്കുന്നതിനു എനിക്ക് വളരെ സന്തോഷമുണ്ട്. ബഹുമാനപ്പെട്ട മറ്റു മെമ്പർമാർ പഠത്തിട്ടുള്ളതിനേക്കാൾ കൂടുതലായ ന്യായങ്ങൾ എനിക്ക് ഇതിനെപ്പറ്റി പറയുവാനില്ല. ഇവിടെ സെക്കൻഡ് ഗ്രേഡ് എന്നും ഫസ്റ്റ് ഗ്രേഡ് എന്നും മറ്റും ചിലർ പ്രസ്താവിക്കുകയുണ്ടായി. എന്നാൽ ഒന്നാം തരക്കാരുടെ അടുത്തു സാധാരണക്കാരനായ ഒരാളിനു സമീപിക്കുന്നതിനു വളരെ പ്രയാസമായിട്ടാണു കണ്ടുവരുന്നത്. ധനസ്ഥിതിയും വിദ്യാ

[Mr. N. John Joseph.]

ബ്രാസവും മോശമായിട്ടുള്ളവയ്ക്ക് സുഖമായി സന്തോഷത്തോടുകൂടി അടുത്തുചെന്നു പറയേണ്ട കാര്യങ്ങൾ തുറന്നുപറയുന്നതിനു രണ്ടാംക്ലാസ് വക്കീലന്മാരുടെ അടുക്കൽ അല്ലാതെ സാധിക്കുകയില്ല. എല്ലാ കേസുകളുടേയും അടിസ്ഥാനം ഇടുക്കൊടുക്കുന്നത് ഈ രണ്ടാംക്ലാസ് വക്കീലന്മാരാണെന്നുള്ള സംഗതിയും ഈ അവസരത്തിൽ പ്രത്യേകം ഓർക്കേണ്ടതാണ്. ലോവർകോർട്ടിൽ ഇവർ ശരിയായ അടിസ്ഥാനം ഉറപ്പിക്കാതിരിക്കുകയാണെങ്കിൽ ഹയർകോർട്ടിൽ ഈ ഒന്നാംക്ലാസ്സുകാർ വ്യവഹരിക്കുന്നതുകൊണ്ടു കേസ്സിനു വല്ല പ്രയോജനവും സിദ്ധിക്കുകയോ അവരുടെ സാമർത്ഥ്യം പ്രസിദ്ധമാക്കുന്നതിനോ സാധിക്കുന്നതല്ല. അതുകൊണ്ടു ധനസ്ഥിതിയില്ലാത്ത സമുദായക്കാരുടെ ഇപ്പോഴത്തെ നിലയെ പരിഗണിച്ച ഡിസ്ട്രിക്ട് കോർട്ടിൽകൂടി രണ്ടാംക്ലാസ് വക്കീലന്മാർക്കു വ്യവഹരിക്കുന്നതിനു അനുമതി കൊടുക്കുന്നതായാൽ അതുനിമിത്തം വളരെ പ്രയോജനം സിദ്ധിക്കുന്നതാണ്. അധ്യക്ഷരുടെയടിയിൽ വിദ്യാഭ്യാസം പ്രചരിച്ചുതടങ്ങിയിട്ട് വളരെക്കാലമായിട്ടില്ല. നാലോ അഞ്ചോ പേർ അധ്യക്ഷരുടെയടിയിൽ പ്ലീഡർഷിപ്പു പരീക്ഷ ജയിച്ചിട്ടുണ്ടായിരിക്കും. അവർക്കും ജില്ലാക്കോടതിയിൽ പോയി വ്യവഹരിക്കുന്നതിനു കൗതുകവും ആഗ്രഹവും ഉണ്ടാകുന്നതു സാധാരണയാണ്. അതിനു സാധ്യമല്ലാത്ത രീതിയിലാണ് ഇപ്പോഴത്തെ റഗുലേഷൻ ഇരിക്കുന്നത് എന്നുള്ള സംഗതി വ്യസനസമേതം ഇവിടെ പ്രസ്താവിക്കാതിരിക്കാൻ നിവർത്തിയില്ല. അവർ നടത്തുന്ന കേസുകൾക്കു മുൻസിഫ് കോർട്ടിൽ വിജയംകിട്ടിയില്ലെങ്കിൽ അവർക്കു അവിടെനിന്നും മുന്നോട്ടുപോകുവാൻ നിവർത്തിയില്ലാതെ പിൻതിരിഞ്ഞു പോകേണ്ടിയിരിക്കുന്നു. മുൻസിഫ് കോടതിയിൽ വ്യവഹരിച്ചു വക്കീൽതന്നെ ജില്ലാക്കോടതിയിലും വ്യവഹരിക്കുന്നതായാൽ വക്കീലിനു കേസ്സിന്റെ പരിപൂർണ്ണമായ പരിജ്ഞാനവും കക്ഷികൾക്കു ധനസംബന്ധമായി ലഭ്യവും സിദ്ധിക്കുന്നതാണ്. പ്ലീഡർഷിപ്പു പാസായിട്ടുള്ള അധ്യക്ഷരുടെ കറേക്കൂടി മുന്നോട്ടുപോകുന്നതിനും തൻനിമിത്തം അധ്യക്ഷരുടെ ഭാവിതലമുറയെക്കുറിച്ചും അഭിവൃദ്ധമാകുന്നതിനും സംഗതിയാകുന്നതാണ്. അതിനാൽ ഈ ബില്ലിനെ അനുകൂലിച്ച് ഈ സഭയിലുള്ള എല്ലാവരും വോട്ടുചെയ്യുകയും ഇതിനെ സംബന്ധിച്ചുള്ള പ്രസ്ഥാനം ഇനിയും തുടർന്നുപോകാതെ അവസാനിപ്പിക്കണമെന്നുമാണ് എന്റെ അഭിപ്രായം.

I move that the motion be put to the vote of the House.

DEPUTY PRESIDENT : Mr. John Joseph is not in order. Because he has spoken on the subject, he cannot ask for a closure motion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Mr. S. J. Nair is to speak. If it is likely to be long. I request.....

DEPUTY PRESIDENT: Mr. S. J. Nair has replied and the Law Member has replied, We have got just a few minutes more, and I wish to make a statement.

Members of the Assembly have already received intimation of the joint sitting of the State Council and the Assembly at 11-30. A. M. on Monday the 28th January 1935.

Motions have been carried at the meeting of this Chamber on the 24th January 1935 to refer the Trivandrum City Municipal Bill and the Travancore District Municipalities Bill to a Joint Committee of both the Chambers. If the State Council at its meeting to be held at 11 A. M. on Monday next concurs in the motion, it will be necessary to appoint the members from this Chamber for the Joint Committees. The Assembly will for the purpose meet again at 1 P. M. on Monday the 28th January 1935. There will be no interpellations or other business transacted at the meeting and the Secretary will not be issuing any agenda for the meeting.

The House will now adjourn.

The House adjourned at 4-55 P. M.

K. MADHAVA KURUP,  
*Secretary to the Sri Mulam Assembly.*